

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Tuesday, 8 May 2018

(Extract from book 6)

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable KEN LAY, AO, APM

The ministry (from 16 October 2017)

Premier	The Hon. D. M. Andrews, MP
Deputy Premier, Minister for Education and Minister for Emergency Services	The Hon. J. A. Merlino, MP
Treasurer and Minister for Resources	The Hon. T. H. Pallas, MP
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Minister for Health and Minister for Ambulance Services	The Hon. J. Hennessy, MP
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Special Minister of State	The Hon. G. Jennings, MLC
Minister for Consumer Affairs, Gaming and Liquor Regulation, and Minister for Local Government	The Hon. M. Kairouz, MP
Minister for Families and Children, Minister for Early Childhood Education and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water	The Hon. L. M. Neville, MP
Attorney-General and Minister for Racing	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development	The Hon. J. L. Pulford, MLC
Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Training and Skills, and Minister for Corrections	The Hon. G. A. Tierney, MLC
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Thomas, MP

Legislative Council committees

Privileges Committee — Mr Dalidakis, Mr Mulino, Mr O’Sullivan, Mr Purcell, Mr Rich-Phillips, Ms Springle, Ms Symes and Ms Wooldridge.

Procedure Committee — The President, Dr Carling-Jenkins, Mr Davis, Mr Jennings, Ms Pennicuik, Ms Pulford, Ms Tierney and Ms Wooldridge.

Legislative Council standing committees

Standing Committee on the Economy and Infrastructure — Mr Bourman, #Mr Davis, Ms Dunn, Mr Eideh, Mr Finn, Mr Gepp, Mr Leane, #Mr Melhem, Mr Ondarchie, Mr O’Sullivan and #Mr Rich-Phillips.

Standing Committee on the Environment and Planning — Ms Bath, #Mr Bourman, Mr Dalla-Riva, Mr Davis, #Ms Dunn, Mr Elasmarr, Mr Melhem, #Mr Purcell, #Mr Ramsay, #Dr Ratnam, Ms Shing, #Ms Symes, Ms Truong and Mr Young.

Standing Committee on Legal and Social Issues — #Ms Crozier, #Mr Elasmarr, Ms Fitzherbert, Mr Morris, Mr Mulino, Ms Patten, Mrs Peulich, #Dr Ratnam, #Mr Rich-Phillips, Mr Somyurek, Ms Springle and Ms Symes.

participating members

Legislative Council select committees

Port of Melbourne Select Committee — Mr Mulino, Mr Ondarchie, Mr Purcell, Mr Rich-Phillips, Ms Shing and Ms Tierney.

Fire Services Bill Select Committee — Ms Lovell, Mr Melhem, Mr Mulino, Mr O’Sullivan, Mr Rich Phillips, Ms Shing and Mr Young.

Joint committees

Accountability and Oversight Committee — (*Council*): Mr O’Sullivan, Mr Purcell and Ms Symes. (*Assembly*): Mr Angus, Mr Gidley, Mr Noonan and Ms Thomson.

Dispute Resolution Committee — (*Council*): Mr Bourman, Mr Dalidakis, Ms Dunn, Mr Jennings and Ms Wooldridge. (*Assembly*): Ms Allan, Mr Clark, Ms Hutchins, Mr Merlino, Mr M. O’Brien, Mr Pakula and Mr Walsh.

Economic, Education, Jobs and Skills Committee — (*Council*): Mr Bourman, Mr Elasmarr and Mr Melhem. (*Assembly*): Mr Crisp, Mrs Fyffe, Ms Garrett and Ms Ryall.

Electoral Matters Committee — (*Council*): Ms Bath, Ms Patten and Mr Somyurek. (*Assembly*): Ms Asher, Ms Blandthorn, Mr Dixon and Ms Spence.

Environment, Natural Resources and Regional Development Committee — (*Council*): Mr O’Sullivan, Mr Ramsay and Mr Young. (*Assembly*): Mr J. Bull, Ms Halfpenny, Mr Richardson and Mr Riordan.

Family and Community Development Committee — (*Council*): Dr Carling-Jenkins and Mr Finn. (*Assembly*): Ms Britnell, Ms Couzens, Mr Edbrooke, Ms Edwards and Ms McLeish.

House Committee — (*Council*): The President (*ex officio*), Mr Eideh, Ms Lovell, Mr Mulino and Mr Young. (*Assembly*): The Speaker (*ex officio*), Mr J. Bull, Mr Crisp, Mrs Fyffe, Mr Staikos, Ms Suleyman and Mr Thompson.

Independent Broad-based Anti-corruption Commission Committee — (*Council*): Mr Ramsay and Ms Symes. (*Assembly*): Mr Hibbins, Mr D. O’Brien, Mr Richardson, Ms Thomson and Mr Wells.

Law Reform, Road and Community Safety Committee — (*Council*): Mr Gepp and Ms Patten. (*Assembly*): Mr Dixon, Mr Howard, Ms Suleyman, Mr Thompson and Mr Tilley.

Public Accounts and Estimates Committee — (*Council*): Ms Patten, Ms Pennicuik and Ms Shing. (*Assembly*): Mr Dimopoulos, Mr Morris, Mr D. O’Brien, Mr Pearson, Mr T. Smith and Ms Ward.

Scrutiny of Acts and Regulations Committee — (*Council*): Ms Bath and Mr Dalla-Riva. (*Assembly*): Ms Blandthorn, Mr J. Bull, Mr Dimopoulos, Ms Kilkenny and Mr Pesutto.

Heads of parliamentary departments

Assembly — Acting Clerk of the Legislative Assembly: Ms Bridget Noonan

Council — Acting Clerk of the Parliaments and Clerk of the Legislative Council: Mr A. Young

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL
FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

President:

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Deputy President:

Mr K. EIDEH

Acting Presidents:

Ms Dunn, Mr Elasmr, Mr Melhem, Mr Morris, Ms Patten, Mr Purcell, Mr Ramsay

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Deputy Leader of the Government:

The Hon. J. L. PULFORD

Leader of the Opposition:

The Hon. M. WOOLDRIDGE

Deputy Leader of the Opposition:

The Hon. G. K. RICH-PHILLIPS

Leader of The Nationals:

Mr L. B. O'SULLIVAN

Leader of the Greens:

Dr S. RATNAM

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Barber, Mr Gregory John ¹	Northern Metropolitan	Greens	Morris, Mr Joshua	Western Victoria	LP
Bath, Ms Melina ²	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Brien, Mr Daniel David ⁸	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel ³	Western Metropolitan	AC	O'Donohue, Mr Edward John	Eastern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Dalidakis, Mr Philip	Southern Metropolitan	ALP	O'Sullivan, Luke Bartholomew ⁹	Northern Victoria	Nats
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Patten, Ms Fiona ¹⁰	Northern Metropolitan	RV
Davis, Mr David McLean	Southern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin ⁴	Northern Victoria	Nats	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Dunn, Ms Samantha	Eastern Metropolitan	Greens	Pulford, Ms Jaala Lee	Western Victoria	ALP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Purcell, Mr James	Western Victoria	VILJ
Elasmr, Mr Nazih	Northern Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Ratnam, Dr Samantha Shantini ¹¹	Northern Metropolitan	Greens
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Gepp, Mr Mark ⁵	Northern Victoria	ALP	Shing, Ms Harriet	Eastern Victoria	ALP
Hartland, Ms Colleen Mildred ⁷	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Herbert, Mr Steven Ralph ⁶	Northern Victoria	ALP	Springle, Ms Nina	South Eastern Metropolitan	Greens
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Truong, Ms Huong ¹²	Western Metropolitan	Greens
Melhem, Mr Cesar	Western Metropolitan	ALP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
			Young, Mr Daniel	Northern Victoria	SFFP

¹ Resigned 28 September 2017

² Appointed 15 April 2015

³ DLP until 26 June 2017

⁴ Resigned 27 May 2016

⁵ Appointed 7 June 2017

⁶ Resigned 6 April 2017

⁷ Resigned 9 February 2018

⁸ Resigned 25 February 2015

⁹ Appointed 12 October 2016

¹⁰ ASP until 16 January 2018

¹¹ Appointed 18 October 2017

¹² Appointed 21 February 2018

PARTY ABBREVIATIONS

AC — Australian Conservatives; ALP — Labor Party; ASP — Australian Sex Party;
DLP — Democratic Labour Party; Greens — Australian Greens;
LP — Liberal Party; Nats — The Nationals; RV — Reason Victoria
SFFP — Shooters, Fishers and Farmers Party; VILJ — Vote 1 Local Jobs

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Tuesday, 8 May 2018

The **PRESIDENT (Hon. B. N. Atkinson)** took the chair at 12.05 p.m. and read the prayer.

ACKNOWLEDGEMENT OF COUNTRY

The **PRESIDENT (12:06)** — On behalf of the Victorian state Parliament I acknowledge the Aboriginal peoples, the traditional custodians of this land which has served as a significant meeting place of the first people of Victoria. I acknowledge and pay respect to the elders of the Aboriginal nations in Victoria past and present and welcome any elders and members of the Aboriginal communities who may visit or participate in the events or proceedings of Parliament this week.

BUSINESS OF THE HOUSE

Sessional orders

The **PRESIDENT (12:06)** — Members will recall that we made an arrangement for extended division bells because of the new offices and whilst everybody becomes familiar with that. I note that sessional orders 16 and 17, which were adopted by the house on 29 November 2017 and suspended by the house on 7 February 2018, will now apply. As members have now started to move into their new office accommodation, when a division is called the division bells will ring for 4 minutes. When there are successive divisions taken with no intervening debate the bells will ring for 1 minute only. The bells will also ring for 4 minutes if a quorum is called for during committee of the whole, and if at the expiration of the bells it appears that a quorum of members is not present, the Deputy President will leave the chair and the President will resume the chair.

LONG SERVICE BENEFITS PORTABILITY BILL 2018

Introduction and first reading

Received from Assembly.

Read first time on motion of Ms PULFORD (Minister for Agriculture); by leave, ordered to be read second time later this day.

JUSTICE LEGISLATION AMENDMENT (ACCESS TO JUSTICE) BILL 2018

Introduction and first reading

Received from Assembly.

Read first time on motion of Ms PULFORD (Minister for Agriculture); by leave, ordered to be read second time later this day.

PETITIONS

Following petitions presented to house:

Forrest Street, Ardeer, noise barriers

Legislative Council electronic petition:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that as Melbourne grows, in particular the inner and outer west, the state government and Public Transport Victoria (PTV) are increasing the number of train services. We appreciate these extra services; however, they constitute noisy V/Line trains, instead of building an electric train network which is much quieter.

PTV has constructed a 'noise' mitigating barrier from iron partially along Forrest Street in Ardeer and West Sunshine, which does not absorb noise. PTV decided to leave a section of the wall non-constructed in front of the Ardeer Community Park. Noise emanating from the train line is funnelled and blown out across the park hitting houses at 60 to 110 decibels (as recorded).

Since 2007 to 2017, the number of trains passing Ardeer railway station has increased from two to four per hour to up to 20 per hour. Train drivers use their horns in front of the park as there are level crossings at the station, resulting in 20 high-decibel screeches from horns per hour. PTV claims that section 251B of the Transport (Compliance and Miscellaneous) Act 1983 provides that—

- (1) Any noise emanating from rolling stock—
 - (a) whilst the rolling stock is travelling on a railway track or tramway track; or
 - (b) whilst the rolling stock is entering or exiting a siding, yard, depot or workshop; or
 - (c) whilst the rolling stock is in a siding, yard, depot or workshop and is—
 - (i) powering up to commence to be used in connection with the provision of a passenger service; or
 - (ii) shutting down after being used in connection with the provision of a passenger service—

does not constitute a nuisance and is not subject to the Environment Protection Act 1970, Local Government Act 1989 or any subordinate instruments made under either of these acts. They further suggest that they are not negligent as

noise emanating from rolling stock on a railway track includes the noise of a train horn. This noise level is unjust to the residents within 500 metres of Ardeer park who have purchased properties prior to the exponential increase in services.

We need compensation for added acoustic insulation in our homes now that properties are bombarded with sonic-like booms up to 20 times per hour and PTV has failed to mitigate any noise.

The petitioners therefore request that the Legislative Council call on the government and Public Transport Victoria to construct noise reduction barriers (reducing noise by at least 50 decibels) using greater than 50 mm laminate or appropriate material instead of recycled rusted iron (like the existing barrier), along the entirety of the train line on Forrest Street (e.g. North and Yallourn streets, Ardeer) adjacent to the Ardeer Community Park, within 50 to 200 metres of dwellings (which is currently unreconstructed).

By Dr CARLING-JENKINS (Western Metropolitan) (18 signatures).

Laid on table.

Crime rates

Legislative Council electronic petition:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council —

- (1) that crime in Victoria (carjackings, home invasions, aggravated burglaries, assaults, homicides etc.) has drastically risen and is a direct result of a broken justice system and inaction by the Andrews government to find a solution; and
- (2) that many Victorians have lost their faith in the judicial system, the corrections system, and Victoria Police.

The petitioners therefore call on the Premier, Mr Daniel Andrews, to take immediate action to reduce crime rates in Victoria and to conduct a parliamentary inquiry into escalating crime rates in Victoria.

By Dr CARLING-JENKINS (Western Metropolitan) (155 signatures).

Laid on table.

Greyhound racing

Legislative Council electronic petition:

This petition has been set up by the Coalition for the Protection of Greyhounds. Since the live baiting scandal in 2015, greyhound racing has been thrown into the spotlight. What Victorians have learnt is that this is a gambling industry that is based on abhorrent animal cruelty and criminal behaviour. In his 2015 inquiry into live baiting, Victorian racing integrity commissioner Sal Perma acknowledged that live baiting was ingrained into the culture of greyhound racing. It is undoubtedly still happening now.

During 2017 alone, there have already been 15 deaths on the tracks and 694 injuries on the tracks. The 2014–15 Greyhound Racing Victoria annual report indicated that 3012 dogs were killed in that year in the Victorian industry — that is eight dogs dying every day.

Two-time winner of trainer of the year, Jason Formosa, was disqualified for animal cruelty, yet allowed to keep his award.

Particularly concerning is the joint funding package worth over \$126 000 in the form of an Easter school holidays kids program being held at 10 racing venues across Victoria and hosted by Greyhound Racing Victoria. In essence, this program is promoting gambling to children. It is also promoting exposure of animal harm and animal cruelty to children. Consider the fact that out of 231 race meetings in Victoria, in the first 10 weeks of 2017, only 11 were free from injury or death.

Data indicate that gambling industries do not create ‘new jobs’. Rather, they simply divert employment from other sectors and they do not create new wealth either. Rather, they transfer wealth from poor to rich. Moreover, gambling likely reduces economic activity by diverting gamblers away from productive labour.

The impact of problem gambling in Australia is huge, and it is not confined to poker machines. According to the Productivity Commission, as many as 170 000 Australian adults face significant gambling problems and a further 350 000 are vulnerable. Of concern, for every addicted gambler there are 10 more people who are seriously affected. This includes families, friends and employers. And if that is not bad enough, according to the commission, 60 per cent of problem gamblers who have sought counselling have spoken of suicide. As many as 400 suicides each year can be attributed to addictive gambling.

Greyhound racing is a cruel and corrupt gambling industry. It is an industry which exploits and abuses animals and contributes to problem gambling destroying the lives of individuals and families.

The petitioners therefore request that the Legislative Council ask the Minister for Racing, Martin Pakula, to step down for his irresponsible promotion of a gambling industry to children, and call on the Victorian government to implement a phase-out to an eventual shutdown of the greyhound racing industry in Victoria.

By Ms PENNICUIK (Southern Metropolitan) (712 signatures).

Laid on table.

Ordered to be considered next day on motion of Ms PENNICUIK (Southern Metropolitan).

DISTINGUISHED VISITORS

The PRESIDENT (12:12) — It is my great pleasure to acknowledge that we have a former member in the public gallery today — a very recent former member. I welcome Ms Colleen Hartland, who tells me that after seven weeks with her husband, Victor, they are still

together, still in love, and she has no intention of coming back here. Welcome, Ms Hartland.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 6

Mr DALLA-RIVA (Eastern Metropolitan) presented *Alert Digest No. 6 of 2018, including appendices.*

Laid on table.

Ordered to be published.

STANDING COMMITTEE ON THE ECONOMY AND INFRASTRUCTURE

Electric vehicles

Mr FINN (Western Metropolitan) presented report, including appendices, together with transcripts of evidence.

Laid on table.

Ordered that report be published.

Mr FINN (Western Metropolitan) (12:14) — I move:

That the Council take note of the report.

In doing so I thank very much my fellow committee members, who have done a sterling job in putting this report together, because this is something that I think is largely new to us. It is not something that we have given any great consideration to up until this point. As I said, I thank those members who contributed to the report.

Of course there was some evidence presented to the committee at the public hearings and in submissions that did support the importance of electric vehicles to Victoria's transport future. The report, however, does not make any recommendations to government on this particular matter, particularly in terms of supporting the sector. Whilst there was a good deal of evidence, and indeed I have to say a good deal of enthusiasm from certain quarters, about the possibility of electric vehicles being feasible in the future, it became very apparent to me as chair, and I think to other members, that for this to occur a great deal of public money would have to go into promoting this particular form of transportation. That is something that concerns me because we have seen over recent years many, many

hundreds of millions or billions of dollars in many places overseas, particularly in the United States, go into various green flights of fancy if I might them call them that, and I certainly do not want to see that happen in Victoria. We have enough waste in Victoria without increasing it any further.

I think we also have to consider that a transition to electric vehicles would mean a great deal of possible unemployment to people in the motor vehicle sector — people selling spare parts, people servicing vehicles — because it would mean somewhat of a revolution to them and there would be, I would imagine, quite a few who would be very unfamiliar with what they would have to deal with from that point of view. So we could have a very real situation where we have mechanics, automobile dealers and people who work for automobile dealers actually put out of work as a result. That is something that does concern me. That is something that we need to have a very good, hard look at before we take this any further.

I would also like to thank the staff, who do a tremendous job. They do not get the sort of thanks that perhaps they should from time to time. I would like to thank the committee secretary, Lilian Topic; Pamie Fung, the inquiry officer; and Kieran Crowe and Michelle Kurrle, the research assistants for this inquiry, because putting an inquiry of this nature together does have its fair share of challenges. Indeed it could be said that working with members of the committee has its fair share of challenges. Getting members into the same room together from time to time poses its fair share of challenges. I know that the committee secretary and I had many long and deep discussions about the direction of this particular inquiry and what we might put into certain sections of the report. I thank her for her patience. I think it is very much a credit to her and to her staff that we have this sort of report here today. I commend the report to the chamber, and I would suggest that if members would like a good read of anything before the election sets in proper, if it has not already, then this just might be the document to read.

Mr LEANE (Eastern Metropolitan) (12:19) — I would like to start by thanking Lilian Topic and her team for their work on this particular report. I think they always do a fantastic job under sometimes hard conditions. I would also like to thank all the witnesses that attended and helped us create this report.

I found this reference quite hopeful. I found this reference quite interesting. It further convinced me that electric vehicles are going to be a real part of our future, even to the extent of driverless vehicles coming as well in the form of electric vehicles. I think about what

electric vehicles mean for the environment. I understand that there was evidence around how power is generated to charge electric vehicles and that that determines the optimum of the environmental outcome, as in a very positive, good outcome. I think there are things that can easily be overcome with a commitment to renewable energy and a commitment to more solar cells and battery capture in individual houses and workplaces and charging stations at those particular individual houses and workstations.

As I said before, electric vehicles are coming. They have some volume in jurisdictions other than ours across the world. We have heard all the negativity and gloom and doom, and people who have their finger in a dyke thinking that this is not going to be a reality very soon — in a matter of years — are fooling themselves.

Ms DUNN (Eastern Metropolitan) (12:21) — I am delighted to rise to speak to this inquiry, albeit it was quite a short time for me on this particular parliamentary inquiry because my colleague Ms Hartland, who is visiting us in the gallery today, in fact was participating in this inquiry.

What struck me in my time on this inquiry was the enormous benefits that electric vehicles can provide in terms of the amenity and health impacts on our cities. Electric vehicles are very, very quiet and do not have the same particulate emissions as internal combustion engines, so they would have an enormous impact on the way our cities operate and function, and particularly on the health and amenity of the people who live in our cities.

I think it is really important to recognise as part of this that the core to electric vehicles being part of our vehicle system is that they must use energy generated by renewable energy sources. It is pointless using coal-fired electricity generation in terms of electric vehicles, but there is an enormous opportunity for this state in relation to transitioning to renewables as soon as we can and of electric vehicles being part of that.

There is an enormous role for government and fleet companies to play in terms of taking up electric vehicles as part of their fleets. There is also a flow-on effect from that, being in the second-hand car market after that and providing electric vehicles in the second-hand arena. There is an enormous potential for buses to be electric. I have been to cities in other countries where their buses are electric. They are a wonderful way to get around those cities. What strikes me is the fact that we do not see the health impacts in terms of diesel engines belching out particulates in those cities and that they are quiet.

Lastly, I would like to thank the committee secretariat. You did an amazing job — you always do do an amazing job — and I thank you for your efforts.

Motion agreed to.

PAPERS

Laid on table by Clerk:

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Boroondara Planning Scheme — Amendment C292.

Cardinia Planning Scheme — Amendment C230.

Casey Planning Scheme — Amendment C233.

Glenelg Planning Scheme — Amendment C82.

Greater Bendigo Planning Scheme — Amendments C221 and C223.

Greater Geelong Planning Scheme — Amendment C353.

Kingston Planning Scheme — Amendments C153 and C158.

Latrobe Planning Scheme — Amendment C109.

Macedon Ranges Planning Scheme — Amendment C123.

Maribymong Planning Scheme — Amendment C141.

Melbourne Planning Scheme — Amendments C281, C318 and C333.

Wangaratta Planning Scheme — Amendment C72.

Wodonga Planning Scheme — Amendment C105.

A Statutory Rule under the Road Safety Act 1986 — No. 47.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 39, 41, 47 and 48.

Legislative instruments and related documents under section 16B in respect of —

Order by the Governor in Council of 10 April 2018 declaring specified events to be Kardinia Park events under section 34 of the Kardinia Park Stadium Act 2016.

Minister's Publication of 23 April 2018 of the Code of Practice for the Keeping of Racing Greyhounds under section 63AC of the Domestic Animals Act 1994.

NOTICES OF MOTION**Notices of motion given.****BUSINESS OF THE HOUSE****General business**

Ms WOOLDRIDGE (Eastern Metropolitan) (12:27) — By leave, I move:

That precedence be given to the following general business on Wednesday, 9 May 2018:

- (1) order of the day 23 standing in the name of Mr Davis in relation to the production of certain documents in relation to the West Gate tunnel project agreements and contracts;
- (2) notice of motion 522 standing in the name of Ms Lovell in relation to a regional sitting of the Legislative Council;
- (3) notice of motion given this day by Mr O'Sullivan in relation to regional rail services; and
- (4) notice of motion 538 standing in the name of Mr O'Donohue in relation to policies for victims of crime.

Motion agreed to.**MINISTERS STATEMENTS****Aboriginal children and young people**

Ms MIKAKOS (Minister for Families and Children) (12:28) — I am pleased to rise and inform the house about what the Andrews Labor government is doing to advance self-determination and increase the cultural connectedness of Aboriginal children and young people in our child protection and care system. On 26 April I was pleased to sign and launch the *Wungurilwil Gapgapduir: Aboriginal Children and Families Agreement*, a groundbreaking tripartite partnership between the Aboriginal communities, government and community service organisations. This agreement was signed by me on behalf of the government, the Victorian Aboriginal Child Care Agency, the Victorian Aboriginal Children and Young People's Alliance and the Centre for Excellence in Child and Family Welfare.

The Andrews Labor government has matched this commitment to self-determination with an unprecedented \$47.3 million to support implementation of the agreement and the accompanying strategic action plan. This will see continuing assistance for Aboriginal organisations to allow them to support more Aboriginal children and young people on protection orders, to

transition the case management of more Aboriginal children in out-of-home care to Aboriginal-controlled community organisations, to improve cultural connection for Aboriginal young people in care and to strengthen evidence-based policy and practice for services involving Aboriginal families and children. The Aboriginal Children's Forum will oversee implementation of the agreement, with a robust accountability framework to measure its effectiveness in improving the lives of Aboriginal children and their families. This will be a living document, not something that sits on a shelf, gathering dust.

I would like to acknowledge the outstanding work of the Aboriginal Children's Forum and particularly acknowledge the contribution of the agreement working group. The work and leadership of the forum is grounded through the forging of strong and respectful relationships, an ability to engage in forthright and courageous conversations and an unwavering commitment to improving the outcomes for Aboriginal children and families in Victoria. I am very proud that our government has put this unprecedented funding in this year's budget to make this vision a reality.

Early childhood infrastructure

Ms MIKAKOS (Minister for Early Childhood Education) (12:30) — I rise to inform the house on how the Andrews Labor government is getting things done across Victoria through a record investment in early childhood infrastructure. On 17 April I was pleased to attend a number of events in Melbourne's west showcasing our government's commitment to quality early years facilities. I was pleased to officially open Tarneit North Kindergarten, one of two new purpose-built relocatable kindergartens, providing an additional 231 kindergarten places. I was pleased to be joined by Cesar Melhem and Sarah Connolly, Labor's candidate for the Assembly seat of Tarneit, who were able to assist me in these proceedings. These buildings will help meet the urgent demand for kindergarten places while permanent centres such as the Truganina East Integrated Family Learning Centre are being built.

I was also pleased to officially turn the sod on the Highton early learning centre down in Highton, which was an election commitment of this government and one we are proud to be delivering for that local community. I was pleased to be joined by Labor's candidate for the Assembly seat of South Barwon, Darren Cheeseman, at this event. Once completed this integrated children's centre will have doubled its licensed capacity to cater for, and will offer maternal and child health services to, the local community for the very first time.

These projects are part of our government's record \$123.6 million investment to build, expand and improve early years infrastructure across Victoria to ensure local families can continue to access great local kindergartens. Only a Labor government will get on with the job of getting Victoria's kids ready for kinder, ready for school and ready for life.

MEMBERS STATEMENTS

Collective Shout

Dr CARLING-JENKINS (Western Metropolitan) (12:31) — I rise today to applaud the work of Collective Shout in successfully defending the abolitionist movement against a legal threat brought on by Sexpo Pty Ltd. In response to articles calling out Sexpo for advertising an online provider of hardcore pornography on the sides of public buses that were used to take children to school, Sexpo threatened legal proceedings and demanded an apology. Collective Shout rightfully refused to issue an apology for defending the right of children to grow up in a porn-free environment. Sexpo followed through with their threat and took Collective Shout to court over their campaign calling for the removal of the ads from buses. Last month the Federal Court in Brisbane was so unimpressed by Sexpo that it dismissed their application and ordered them to pay Collective Shout's legal costs.

Collective Shout co-founder Melinda Tankard Reist has been calling out Sexpo for its advertising on buses and billboards across the country for years, providing a valuable and much-needed public voice for the protection of children from sexism, objectification and the porn industry. Now more than ever before we must stand up and protect our children from ever-increasing hypersexualised environments. To stay silent is to deny them their childhood innocence that we as a community have a responsibility to protect.

Country Fire Authority Yarrambat brigade

Ms LOVELL (Northern Victoria) (12:33) — As a member for Northern Victoria Region I am proud that my electorate is home to many wonderful Country Fire Authority (CFA) brigades with members who are dedicated to keeping their communities safe from fire events. Local fire brigades sit at the very heart of communities as places where community members join in the common goal of protecting their friends and neighbours.

One such fire brigade is the Yarrambat fire brigade in the southern part of my electorate, and I was happy to

recently help them acquire a new flag for their station flagpole after the member for Yan Yean in the Assembly had completely ignored a similar request. I will continue to support the brave men and women of the CFA throughout Victoria, and I thank the hardworking volunteers at Yarrambat for the tremendous work they do in protecting their community.

The Cottage

Ms LOVELL — It was with great pleasure that I recently attended the open day at The Cottage, a residential drug and alcohol rehabilitation centre in Shepparton. The day coincided with the opening of a new 10-bed residential facility to join the two other residences on the property, allowing the centre to help even more people suffering from addiction. The centre is the result of the vision of local couples Ken and Helma Gash and Rob and Trish Bryant. The managing director of The Cottage is Joshua Simm, a local Bangerang man who now dedicates his life to helping others.

The open day saw former and current clients share with the crowd their individual battles with addiction and the wonderful impact The Cottage has had on their lives. Quite simply, The Cottage is saving and changing lives, and I congratulate everyone involved with the facility.

Gippsland Tech School

Ms SHING (Eastern Victoria) (12:34) — There has been a flurry of activity throughout Gippsland in recent weeks, and a lot of it comes down to investments that have been made over a long period of time and have been contributed to by the community as part of co-design processes. One such example is the recent opening of the tech school at Morwell. This is the product of intensive engagement with industry, the eight partner schools, the local council, the Victorian School Building Authority, the Department of Education and Training and Minister Merlino as well as Minister Tierney in this place.

What we have seen is the delivery of state-of-the-art experiences and facilities for 5000 students from eight partner schools who will be able to get the benefit of this sort of activity into the future. From now and into the coming years, we will see opportunities being delivered which are directly relevant to industry, job opportunities, skills and learning into the future. This will focus on the areas of advanced manufacturing, new energy technology, food and fibre, and health care.

TAFE funding

Ms SHING — It has been a profound delight to be able to confirm the announcement of a total of more than \$60 million in TAFE capital, to be able to facilitate new campuses for Morwell Federation Training and also for the port of Sale. Again, this is something that those opposite, and The Nationals in particular, love to whinge and complain about, but when in office their record speaks for itself. They do not deliver, they do not provide any meaningful alternatives, their hands are nowhere near their pockets and, when it comes to actually improving the lives of people throughout Gippsland, they are nowhere to be seen and entirely irrelevant.

Gender equality

Ms SPRINGLE (South Eastern Metropolitan) (12:36) — The 2018–19 ‘Gender Equality Budget Statement’ provides an overview of the government’s gender equality objectives and budgetary allocations. It could have done so much more but it did not, and this is a huge missed opportunity. Australia and Victoria were once recognised for global leadership in gender-responsive budgeting, but over the past two decades we have well and truly dropped the ball. Gender-responsive budgeting provides a gender analysis of the impact of policies funded by the budget and, critically, influences budgeting decisions. It builds fairness and equality into decision-making processes and provides a detailed understanding of how investments and funding cuts will impact the lives of real women.

Unfortunately Victoria’s ‘Gender Equality Budget Statement’ does not do any of the above. Instead, it appears to be a cut-and-paste job from the general budget papers, featuring a lot of numbers and added references to women. Frankly it is little more than a piece of fluff. Unless Victorian women use one of the services or programs mentioned, it is difficult to understand how next year’s budget will impact on them or how the budget was designed to work for women. It is not good enough, and for a government that is constantly spruiking its leadership on gender equality, we expect more.

Ballarat education funding

Mr MORRIS (Western Victoria) (12:38) — What a shocking state budget this 2018–19 budget is for the people of Ballarat. The Andrews Labor government have tried to spruik their credentials about making Victoria the Education State. In spite of this, the funding that we see in this budget tells a very different

story. The much-needed Lucas primary school is far too late, and the surrounding schools in Ballarat are absolutely bursting at the seams. Daniel Andrews and his minister have only just realised there is a need for a primary school in Lucas. Mount Clear College, a wonderful school that is doing phenomenal work, needs \$13 million of funding to upgrade their facilities, but they received only \$3 million in this budget. Ballarat High School —

Honourable members interjecting.

The PRESIDENT — Order! Mr Morris, can you take it from the top. I seem to be missing a bit of what you were saying.

Mr MORRIS — It may be slightly different, President, but I am happy to.

What a shocking state budget this 2018–19 Labor budget is for the people of Ballarat. Daniel Andrews has gone out and spruiked that he wants to make Victoria the Education State. However, these have been found to be empty words. What we see is that Labor have only just realised that one of the fastest growing suburbs in Australia, Lucas, needs a primary school. It is far too little too late from Labor with Lucas primary school. Mount Clear College, a wonderful school that is in desperate need of upgrades and which we committed \$13 million to prior to the last election, received only \$3 million from Labor to upgrade the school. Ballarat High School, another great school doing great work, needs over \$10 million and yet received only \$4 million from Labor. Miners Rest Primary School is landlocked; they need a new site. However, Labor has committed only to upgrades of the Miners Rest Primary School, rather than a greenfields site, which the local member, Louise Staley in the Assembly electorate of Ripon, and our shadow minister have committed to.

In terms of this budget, it has been a massive slap in the face to the Ballarat council. None of their priority projects have been funded in this budget. Labor has tried to spruik its investment in hospitals. What we now know is it is on the never-never. The devil is in the detail. Over 80 per cent of the funding is for beyond 2022.

Eastern Victoria Region funding

Mr MULINO (Eastern Victoria) (12:40) — What an amazing budget. I am going to talk about just a few aspects. On the record expenditure on education, I will pull out a few projects in my electorate. Pakenham north-east primary school — an additional stage, with \$9.9 million allocated for the construction of stage 2.

This is one of the fastest growing communities in Australia, and we need this funding for the additional students pouring into this area. Clyde Primary School — site extension, where funding has been provided to purchase land to extend the site of Clyde Primary School. This will enable the school to accommodate more students and ensure that current students have enough space to play outside. Koo Wee Rup Secondary College — funding of \$850 000. I could go on and on about education projects. There is \$1.2 billion allocated — more than the opposition spent during their four years in office. They should be embarrassed; they are not embarrassed. That says a lot about them.

I will also talk today about expenditure on roads: \$2.2 billion for a suburban roads package — remarkable expenditure. Again it is much needed, given Victoria's population growth. For the Healesville-Koo Wee Rup Road, from Princes Freeway to Manks Road, this expenditure will duplicate 10 kilometres of road, from two lanes to four lanes, and upgrade three intersections. That is a road that currently services 20 000 cars per day and 5000 trucks per day. This expenditure is long overdue. For the Monash Freeway corridor upgrade, stage 2 — \$712 million. There is \$13.7 billion in infrastructure spending across transport, education, health and the justice system — more than double what the opposition spent per year across their pitiful four years in government.

Victoria University Sunbury site

Mr FINN (Western Metropolitan) (12:42) — Almost 25 years ago the Kennett government gifted to Victoria University the land and buildings atop Jacksons Hill in Sunbury to establish a university campus. That happened, I recall, after much community involvement and activity, and quite a celebration ensued. During the course of the Bracks government, very sadly, the Sunbury university campus was closed. At that point Victoria University should have handed the land and buildings back to the Victorian taxpayer. Indeed Victoria University locked the buildings, walked out and kept both the land and buildings on Jacksons Hill.

Now, if all reports are correct, years later the Andrews government is preparing to buy from Victoria University the land and buildings that a quarter of a century ago were given for nothing. It leads me to ask the question: how the hell can this be happening? The government should not be buying this land; it should be demanding that Victoria University return it to its rightful owners. Victoria University was given the land and buildings to operate a university campus. When it

ceased that operation, it should have returned them then. It certainly should do the right thing now. For the Andrews government to be even thinking about handing over taxpayers hard-earned to a university that deserted the people of Sunbury is nothing short of an outrage.

Climate change

Ms DUNN (Eastern Metropolitan) (12:43) — On Friday night I attended the Transition to a Safe Climate Conference organised by Sustainable Macleod, the Montmorency Community Group, Transition 3081, Transition Warringal, Sustainable Greensborough and Transition Banyule. The conference keynote speaker was Ian Dunlop. Mr Dunlop knows something about the energy industry in Australia, having been the chair of the Australian Coal Association and CEO of the Australian Institute of Company Directors. Mr Dunlop's presentation highlighted that climate change is occurring two to three times faster than anticipated, with the most rapid rates of change being experienced in the Arctic and in West Antarctica. Communities are already feeling the impact, with an eight-fold increase in the real cost of climate-related natural disasters since the 1980s.

Mr Dunlop noted that with all the global warming built in through historic emissions we are heading towards an existential crisis for the global community. There is a limited amount of carbon budget left that can be emitted before catastrophic impacts are locked in. The earlier we start towards decarbonisation the longer we have to transform our economy. If we start now, we have 25 years; if we wait till 2025, we will have less than a decade. We must start now.

I call on the Andrews government to radically shift priorities away from coal, oil and gas industries towards a massive investment in renewables; stop logging the most carbon-dense forests in the world; and set a path for decarbonisation of the Victorian economy.

Russell Lucas Oval, Ringwood

Mr LEANE (Eastern Metropolitan) (12:45) — I was very pleased in recent days to be out at Jubilee Park, Ringwood, to announce that the Russell Lucas Oval is to receive from the fantastic Andrews Labor government \$2 million to renovate its pavilion. The Ringwood Cricket Club, the Ringwood Football Club and the Ringwood Spiders All-Abilities Sports Club were absolutely delighted with this announcement.

I also want to thank Russell Thomas —

Mr Davis interjected.

The PRESIDENT — Order! Mr Leane, you might take it from the top. I am having a bit of trouble hearing; there is some static.

Mr LEANE — It would be my pleasure; thank you, President. I was very pleased in recent days —

Mr Davis interjected.

The PRESIDENT (12:46) — Mr Davis, 15 minutes, thank you. You should have taken the hint.

Mr Davis withdrew from chamber.

Mr LEANE — I was very pleased in recent days to be at the announcement at Jubilee Park that the Russell Lucas Oval will receive \$2 million out of the fantastic Andrews Labor government budget to renovate its pavilion. The Ringwood Cricket Club, the Ringwood Football Club and the Ringwood Spiders All-Abilities Sports Club were represented at this announcement, and they were all very delighted.

I want to thank and show my appreciation to Russell Thomas, the chairman of Cricket Victoria.

Mr Dalidakis — Fantastic guy.

Mr LEANE — He is a fantastic guy. He was present; he made the time to attend this important announcement. It was important to Ringwood Cricket Club but also important to Cricket Victoria, because they are hoping that this stadium and this ground can be a hub for Cricket Victoria in the east of Melbourne, and I think that is a very exciting prospect. I want to show my appreciation and thanks to Maroondah City Council, which is putting money towards the pavilion and has also resurfaced the ground. The oval looked absolutely perfect. I look forward to working with Cricket Victoria, Maroondah City Council and local cricket and football clubs to do more in this area.

Early childhood funding

Mr O'SULLIVAN (Northern Victoria) (12:47) — On the weekend I was very pleased to attend the 102nd holding of The Nationals annual state conference up in Shepparton. It was a great event attended by a wide range of people. When our leader, Peter Walsh, made his address to the conference he announced a policy of \$80 million for a proposed Brighter Futures Fund. That is very important because what we all know is that a child's education and upbringing have very big implications in terms of how they develop through their adolescent years and into adulthood. We know that giving better health care and education to young people

makes a big difference throughout the remainder of their lives.

One of the things that has been established recently through an Auditor-General's report is that, and I quote:

... there is no sign that the gap in performance is likely to narrow. Indeed, in some areas of performance, the gap is getting wider.

What is meant by this is that standards are actually higher in the city than they are in the country. What we need to do is ensure that children growing up in regional and rural Victoria are able to get the best start in life. The Brighter Futures Fund will establish integrated education hubs, which will be one-stop shops for allied health services, early childhood services, maternal and child health services and tertiary education. This will ensure that we get the best possible start for our young people in regional areas.

Western Metropolitan Region funding

Mr MELHEM (Western Metropolitan) (12:49) — The budget was handed down by the Andrews Labor government last Tuesday. As part of this budget my Western Metropolitan Region has greatly benefited from the partnership agreements, which are a process the state government has put in place so that areas or regions can put in some ideas and get some funding.

There is \$29.3 million for stage 2 of the Seddon secondary campus in Footscray; \$55.7 million for new and upgraded bus services in Melbourne, including improved bus services in Wyndham; and \$22.7 million to upgrade and maintain active transport infrastructure, including at Raleigh Road, Maribyrnong. There is \$353.2 million for 12 new schools, early works for three schools and additional stages for seven schools, as well as planning for a number of new schools including, in my electorate, Davis Creek primary school and additional stages of Burnside primary school, Truganina East P-9 school and Sanctuary Lakes P-9 school. There is \$43 million for a range of statewide initiatives, including for building and upgrading kindergartens. The Victorian government has recently delivered relocatable kindergartens in Tarneit and Wyndham.

Sometime in the next few months the government will consider waste proposals for Western Metropolitan Region, which is the subject of a major report I have put together for the Minister for Energy, Environment and Climate Change. I am looking forward to her announcement in relation to waste-to-energy options in the western region of Melbourne.

There is also \$16.3 million to improve accessibility at train stations, including at Watergardens and Essendon stations. The Andrews Labor government is getting on with it and getting things done.

Return of the Firestick

Ms BATH (Eastern Victoria) (12:51) — Fire when used properly can be restorative, not destructive. I am proud to be part of a party that if elected to govern Victoria on 24 November will introduce Return of the Firestick. This is a project that will study and use traditional fire management practices to begin to restore the health of our bushland and reduce fire risk across Victorian communities. This policy is the culmination of collaborative efforts with traditional owners, including Uncle David Wandin from the Wurundjeri Tribe Land and Compensation Cultural Heritage Council, Shane Monk from the Taungurung, a number of Yorta Yorta and Gunaikurnai elders and young people, mountain cattlemen, foresters and scientists. This project will have statewide application, delivering both cultural and environmental benefits to Victoria.

Indigenous or cultural cool burning treats the canopy as sacred, and promotes the removal of native weed species and suffocation of low-storey fuel loads to boost diversity. The Nationals and Liberals will work together with traditional owners, councils, land managers and stakeholders to implement a study by 40 fire practitioners to share this cultural knowledge that for millennia was once common practice of our First Nations.

I congratulate all those who have worked for this outcome, including the Mountain Cattlemen's Association of Victoria's Chris Commins and his crew. I also thank Australia's leading fire practitioner, Victor Steffensen, whose mantra is that we all must work together to restore the health of our bush and that fire should trickle like water over the land, healing in its way.

Free to Feed

Mr ELASMAR (Northern Metropolitan) (12:52) — On 23 April I was very pleased to join Minister Dalidakis, who launched Free to Feed's Now to Launch incubator in High Street, Northcote. In particular I acknowledge Daniel and Loretta Bolotin, the dynamic husband and wife co-founders who possess in my opinion a profound sense of social justice, and their staff, program officer Betty Helou and entrepreneur support manager Arnold Salinas.

LaunchVic, the Andrews Labor government's start-up agency, awarded a grant of over \$245 770 to Free to Feed. They are one of five recipients of LaunchVic funding to improve access and participation in the Victorian start-up ecosystem for first generation migrants and refugees. Free to Feed's program will support 60 start-up entrepreneurs from Melbourne and regional Victoria. A real strength of Free to Feed's incubator is its tremendous team of volunteers, in particular Nayran Tabiei, who shared her inspiring story, boundless enthusiasm for the program and deep love of Australia with over 60 attendees.

Migrants and refugees are recognised as important contributors to successful start-up ecosystems. They are known to have high-risk appetites, having started a new life in a new country, often with no capital, no credit history, no assets and no security. As a migrant, I was very proud to join Minister Dalidakis at this event. I wish Free to Feed every success.

NOTICES OF MOTION

The PRESIDENT (12:54) — Ms Patten has a motion that she wished to advise the house of, but when I called for notices of motion unfortunately Ms Patten was involved in a meeting with Olivia Newton-John, who is here today having some discussions with a number of MPs about the Austin Hospital and her wellness centre. Unfortunately Ms Patten at that time missed the call, so I seek leave from the house to enable Ms Patten to give notice of that motion.

Leave granted.

Ms PATTEN gave notice of motion.

BUSINESS OF THE HOUSE

General business

Ms PATTEN (Northern Metropolitan) (12:56) — President, I seek leave to make my notice of motion item (3) on the general business order of precedence for tomorrow.

Leave granted.

The PRESIDENT (12:55) — I should therefore put Ms Wooldridge's motion as an amended motion. It has previously been circulated. What I intend to do now is put to the test an amended motion of Ms Wooldridge that inserts Ms Patten's notice of motion given today as the third matter to be debated, and therefore what was listed in Ms Wooldridge's motion at item (3) becomes (4) and what was listed at item (4) becomes (5). That is the effect of the amendment. I will put that to the test.

The question is:

That precedence be given to the following general business on Wednesday, 9 May 2018:

- (1) order of the day 23 standing in the name of Mr Davis in relation to the production of certain documents in relation to the West Gate tunnel project agreements and contracts;
- (2) notice of motion 522 standing in the name of Ms Lovell in relation to a regional sitting of the Legislative Council;
- (3) notice of motion given this day by Ms Patten in relation to religious exemptions for tax;
- (4) notice of motion given this day by Mr O'Sullivan in relation to regional rail services; and
- (5) notice of motion 538 standing in the name of Mr O'Donohue in relation to policies for victims of crime.

Motion agreed to.

SERVICE VICTORIA BILL 2017

Committee

Resumed from 1 May.

Clause 15 further discussed.

Mr JENNINGS — In light of matters that were discussed in the committee the last time we met, and in response to some concerns raised in relation to the willing participation of councils in using the Service Victoria platform, I will seek to move an amendment in clause 58 which will provide that no regulations can actually be made in relation to such a transfer of responsibility without the agreement of a council. An amendment to that effect will be circulated in my name.

Ms PENNICUIK — I did ask my question at the very end of the committee stage last week, and the minister did undertake to get back to me, but I can repeat the question if the minister requests it.

Mr Jennings — Yes, let's do that, because I'm back.

Ms PENNICUIK — The question was regarding the standards for identity verification. Under clause 15(d) one of the functions of Service Victoria is:

to assist the Minister to develop identity verification standards to achieve a consistent and secure process to verify identity ...

I ask the minister what standards the government has in mind, bearing in mind that in one of the briefings we

had there was mention of a national standard that was either in train or in the process of being developed.

Mr JENNINGS — I thank Ms Pennicuk for taking us back to where the committee was the last time we left it. On a number of occasions during the course of the 3 hours we spent in committee previously we did discuss a number of different commonwealth guides and frameworks that actually apply in terms of identification and identity verification processes. So to catch up with that as the backdrop for us now, under this bill there is a legislative requirement for an identity verification standard to be established and provided for within a legislative power that the minister who is responsible for Service Victoria will develop and conclude.

The Victorian standard which will apply will be harmonised with and mindful of those national frameworks. The work that has actually been undertaken up until now recognises that we have to look at the way in which the national identity proofing guidelines establish the national e-authentication framework that applies at the commonwealth level and indeed the trusted digital identity framework.

So as Ms Pennicuk has indicated, there are a number of different guidelines and frameworks that apply across the nation. Whilst our standard established under this legislation will need to be harmonised with them, it is intended that there be a requirement that could be enforced to the extent that any variation in terms of the way in which the services would apply in Victoria could be subject to confirmation or challenge in VCAT in relation to whether our citizens feel as if those standards have been complied with or fallen short of. This legislative instrument increases the rigour that is associated with that process.

On the way through we recognised that there is a need, again, to collaborate with relevant agencies and people who have expertise and experience in this field, so we have already embarked upon consultation with the Digital Transformation Agency, the Office of the Victorian Information Commissioner, Electronic Frontiers Australia, the Australian Privacy Foundation, the Law Institute of Victoria and Liberty Victoria in the development of these verification standards. We will continue to consult with them as we finalise the standards, should the bill pass.

Ms PENNICUIK — Thank you, Minister, for your answer as to what the government is intending to do. I suppose that does beg the question as to what is happening now that Service Victoria is actually operating. What standard is being used now? In terms

of what you have described, what would be the expected time frame for the finalisation of the nationally consistent standard, or do you think that is an ongoing process? It sounds a little bit like it could be.

Mr JENNINGS — The standard actually has to be established and maintained. It needs to be mindful of changes to technology or other legislative instruments that actually may apply across the nation. So we do have to be mindful of that. You would hope, in terms of the work that is bringing these elements together, that they will have a shelf life and a utility that is somewhat enduring. Certainly that is our intention.

As for the time frame for introduction, we believe that we would be in a position to establish our standards not immediately after but soon after the proclamation of this legislation. As you and I discussed previously, at the moment we actually recognise that until we establish these standards there is a glass ceiling in relation to what services or different online offerings we could or should make available depending upon the liability of the verification process.

We do not want to overreach in terms of having high thresholds for identity verification beyond what we can confidently set, what we can confidently implement and what would require a higher degree of personal, face-to-face contact to validate identity. To answer your question, if this bill was to pass shortly we would proclaim it as soon as possible. I would imagine that by the middle of the year — we are approaching the middle of the year — or maybe in the third quarter of this calendar year we would be in a positive position to implement them. And I am very pleased that, without my checking over my shoulder, there is a nodding affirmation of that behind me.

Ms PENNICUIK — I wondered if, with the indulgence of the committee, I could refer back to clause 12, which has already been passed, but it relates to clause 15, which is about standards and identity verification. Clause 12 allows the minister and the service agency minister to transfer back to a service agency any transferred identity verification function. I just wonder why that clause is there. Under what circumstances would that occur or would the government envisage it occurring?

Mr JENNINGS — It could apply because of what might be either a technological or a legislative requirement that may mean that another jurisdiction should do it. For instance, it could well be that there are federal laws that require this activity to be undertaken in a different way in the future. There may be requirements, and we have discussed the local

government sector previously in relation to what might be their statutory obligations or their customer service needs. These may warrant us being mindful of jurisdictional issues, which has not necessarily been a feature of Victorian public sector administration. There may be some real quantum step change in performance and capability at an agency level that would warrant that being reversed. Those are the types of circumstances that we can envisage.

Clause agreed to.

Clause 16

Mr RICH-PHILLIPS — Minister, clause 16 sets out the powers of the Service Victoria CEO, which are essentially to do whatever is necessary to implement the functions. You indicated when the committee last met that it is the government's intention to establish Service Victoria as an administrative office under the Public Administration Act 2004 (PAA), and the PAA sets out certain reporting structures in the relationship between the administrative head of an administrative office and the head of the department that that office is attached to. It also provides the carve out that where there are statutory functions provided to the head of an administrative office they are not subject to the reporting relationship of the departmental head. Can you outline the administrative reporting structure you expect to be in place with respect to Service Victoria given the interplay between what the PAA says and what you are creating with this provision?

Mr JENNINGS — In practice there may be a very small difference between what might be through the reporting lines in relation to departmental relationships or there will be matters that enable a direct line of communication between the minister who is responsible for the act and the CEO in terms of a formal statutory acquittal and the performance of the office, and that always has a default formality as required. But in practice I imagine it would be a fairly collaborative and appropriate reporting structure in alliance with the Public Administration Act.

I will ask and I may be able to tease out what might be the practical as distinct from the theoretical division in relation to that. What the bill does provide for and what the Public Administration Act provides for, as you would understand, is a set of powers that are established at a ministerial level or an agency head level that formally need to be complied with and there are administrative arrangements in terms of how that connects to other departmental structures that might provide resource or administrative backup or other policy advice from time to time or policy reference

points. It may not intrude on those statutory functions and the default statutory relationship between the minister and the agency head, but I will just tease out whether beyond that description I need to furnish any more information.

In relation to the general description and the delineation as I have described it in terms of the statutory responsibilities and the administrative interplay between an administrative office and the departmental secretary, who will be in a reporting relationship in relation to budget acquittals, human resources practices and compliance with other public service requirements, I think we should see one as a statutory series of relationships between the minister and the agency and then the things more to do with the administrative and expenditure elements would directly relate to the department.

Mr RICH-PHILLIPS — Thank you, Minister. Can you just clarify for the avoidance of doubt — we did not touch on it — whether in the creation of an administrative office it is your intention that it will be attached to the Department of Premier and Cabinet (DPC), given it has to be attached to some department?

Mr JENNINGS — It is most likely that that will continue to be the relationship although it has not been ultimately determined. As you would be aware, from time to time machinery of government decisions are made which may alter that. I cannot envisage those circumstances at this point in time, although I cannot rule it out.

Mr RICH-PHILLIPS — Thank you, Minister. Part of that question goes to the issue of DPC becoming a service delivery agency and the appropriateness of that. Can I just clarify with respect to the functions whether the Service Victoria CEO will have autonomy around the hiring of staff? You indicated the budget for Service Victoria, to paraphrase I think, will be within the constraints of the departmental budget. Will there be autonomy around the recruitment of staff necessary to carry out the functions as set down in clause 16?

Mr JENNINGS — As you would be aware, the Public Administration Act does actually outline the line of authority in relation to delegated responsibilities for recruitment and appointment, and they will be preserved. I assume you are asking a series of default questions in case there is some lack of alignment between what might be the administrative practices of the office and what the departmental view may be. As you would also be aware, in terms of recruitment for senior positions quite often there are panels appointed and processes that go across agencies already. We have

panels that are established of people representing government and sometimes senior appointments are made with more broad advice. So there is not necessarily a one-size-fits-all approach to recruitment; quite often it is a collaborative exercise. However, in terms of the formality of it, there is a delegated responsibility that will be outlined and maintained consistent with the level of appointment that can be made consistent with the act.

Mr RICH-PHILLIPS — Thank you, Minister. I guess the question related not to senior staff, and I accept what you say about that, but more to lower level operational staff who may be recruited potentially in large numbers for the mechanical functions of Service Victoria and whether that will be within the scope of the secretary, presumably, of DPC if that is going to be the relationship or whether there is full autonomy for the Service Victoria CEO to make those decisions, not so much about people but around numbers and expenditure on staff?

Mr JENNINGS — The CEO will make those decisions subject to requirement and budget capacity.

Mr Rich-Phillips — Except within the restraints of DPC?

Mr JENNINGS — Well, yes. So I think in terms of what we would anticipate happening is that the types of staff that you have actually outlined would, under normal circumstances, fall within the delegated responsibility of the CEO to actually acquit that. If there is a quantum shift in the establishment size of the organisation, then that is a broader matter that the minister would be concerned about and the department would be concerned about subject to budget capacity.

Clause agreed to; clauses 17 to 20 agreed to.

Clause 21

Ms PENNICUIK — My question is on clause 21, which is setting up minimum standards for customer service information and account information and refers to the Privacy and Data Protection Act 2014 and the Health Records Act 2001 et cetera. My question is: how is this different from what agencies either do now or are required to do now with regard to customer service standards?

Mr JENNINGS — What will be different is that there will be clarity and a determination made about those standards. Where there are certain obligations that currently exist, whether it be through compliance with privacy information or what might be codes of conduct in terms of good behaviour of staff, in terms of the

administrative practices that sometimes may be user-friendly and sometimes they may not be, there will be a series of standards that relate to the customer experience designed to guarantee quality outcomes and consistency across that service offering. That is in relation to customer service: it will be more consistent with more quality assurance across the breadth of agencies who participate. In fact you would like that standard to go even further beyond the ones that are currently participating so that in fact all customer experiences or citizen engagement experiences are being enhanced.

On the identity verification standards, which is the matter we discussed in clause 15, currently there are three guidelines and frameworks that apply in the commonwealth and they have not been settled. We will settle something so it is actually clear what our standard will be. Again, that will be circulated to relevant agencies so that there will be consistency applied with that. We will be mindful of the advice we have received in relation to the appropriateness of that, what its longevity might be in terms of its legal standing and very importantly its technological standing in relation to innovation and reform that comes into this sector. We will have predictability, certainty and quality assurance far broader than what it is today, which is very patchy.

Clause agreed to; clauses 22 to 24 agreed to.

Clause 25

Ms PENNICUIK — I think my question on clause 25 was actually answered in our discussion on clause 15.

Clause agreed to; clause 26 agreed to.

Clause 27

Ms PENNICUIK — With regard to clause 27, I refer to clause 27(2)(a):

- (2) A temporary electronic identity credential or interim refusal notice under subsection (1) must be issued —
 - (a) in the case of an individual who is a member of a prescribed class of individual — within the period prescribed for that class ...

Minister, could you explain what the purpose of that provision is in terms of a 'prescribed class of individual'?

Mr JENNINGS — I will, but I will do it subject to a conversation that I am about to have.

This is one of those occasions where the black-letter law looks as if it is actually a punitive provision rather than necessarily a facilitative provision. What this is about is that the regulations will prescribe categories of citizens — clients, customers — that we actually believe may have some challenges in being able to provide information in a timely way or may need some assistance in relation to compiling information. It will be able to grant an extension in terms of the time of processing the matter rather than insisting on it occurring within 10 days. It is actually something that has an air of benevolence to it rather than the authoritarian air that it actually may have been read down to mean.

Clause agreed to.

Clause 28

Mr RICH-PHILLIPS — Minister, can you outline the circumstances in which Service Victoria would refuse the issue of a temporary electronic identity credential? What is envisaged in this section?

Mr JENNINGS — Beyond the circumstances where it was deemed that there had not been sufficient verification of the identity, that is when you would envisage this to take place. I will have some further conversation about what that actually might mean in practice beyond that simple proposition that would mean the applicant's information does not meet the evidentiary requirements to proceed.

I have been encouraged to go back to clause 27(3). Clause 27(3) outlines the circumstances that would give rise to a provision in clause 28. Of course clause 36 is also invoked in relation to that as well, so it is the interlocking elements of how the bill works — clause 27(3), clause 28 and clause 36.

Mr RICH-PHILLIPS — Clause 27(3)(c)(i) seems to bring a refusal under section 28 in as a standalone reason or ground to refuse?

Mr JENNINGS — I think clauses 27(3)(c)(i) and (ii) relate to somebody who is just going around in circles with the same information that cannot be satisfied under clauses 27(3)(a) and (b).

Clause agreed to; clauses 29 to 35 agreed to.

Clause 36

Ms PENNICUIK — We just touched on clause 36 in relation to clauses 27 and 28. Clause 36(1) says:

The Service Victoria CEO must suspend the operation of an electronic identity credential if the Service Victoria CEO is satisfied on reasonable grounds that the individual to whom the credential is issued is not the individual to whom the credential relates.

Just for the benefit of the committee — we have discussed this quite a bit with the minister at briefings et cetera — my question is on the issue of establishing this in the first place: the person establishing their identity. We all know about identity fraud. People can be in possession of documents which they may submit in an electronic way — say, a drivers licence and/or a passport and/or, as you mentioned yourself, a gas bill or whatever — and they may actually not be the actual person to whom that documentation relates, so how does Service Victoria establish that the person is the person? I think it is a really fundamental question.

Mr JENNINGS — It is a fundamental question. In a sense while posing the question you in part answered the question in relation to your confidence level about the range of matters that need to be collated at a particular point in time to verify that in fact you are who you purport to be. The value of the system in relation to electronic identity credentials is that for a legitimate claim that is able to be verified, once you have established your identity to the satisfaction and to the standard, the benefit is that if you choose to use that credential time and time again so that you do not have to have that proliferation of evidence, then you can actually do the transactions on a variety of services that you would otherwise have had to compile four of five pieces of information for. So that is the benefit to the citizen — that you will choose either to use the credential for other transactions or to not.

On the flip side of the equation is that in terms of the continual monitoring, improvement and assessment of the effectiveness of this scheme it is obviously very important that if there are any adverse flags that show up in the system, there are in-built technologies in relation to people accessing this information or using it. If in fact a number of flags come up that indicate that there is something wrong, then you need a provision such as this. For whatever reason, and I hope it has not actually been at a financial loss to me, my PayPal account has been suspended in recent times — not that, as far as I am aware, there is any transaction that I have actually undertaken or any transaction that occurred. So currently I am in the circumstances where I am so happy with the facility that I may never use it again, but

interestingly enough there are these in-built systems of these flags that suspend people for one reason or another. That means you have to go back and start the process again. I may never go back, but I may choose to later on. I am just saying there are elements of the technology and the accounting processes that that platform uses that clearly suspend people, and I think you need to have that power here.

Ms PENNICUIK — Thank you, Minister. I think that partly answers it. Perhaps it is unanswerable in many ways. The question I wanted to ask with regard to establishing that the person is the person with regard to things such as renewing the drivers licence is whether there would still be a requirement for the person to present themselves personally to have a new photo ID taken, the same as with the renewal of a passport — which is not a state issue, but renewal of a drivers licence certainly is — or the renewal of a firearm permit, for example, where currently the police require the person to attend a police station in some circumstances for some categories of firearms to establish themselves. Will these still be in place?

Mr JENNINGS — Generally the answer is certainly yes in relation to how that should be acquitted now and into the foreseeable future. I do not necessarily want to take us too far in relation to visual identification biometrics, which is currently something that is subject to a national debate and consideration in relation to the cautions that should apply to that. The only reason I am drawing attention to this is that at the moment absolute physical attendance is the closest way to guaranteeing the continuity of recognition and personal engagement. It is possible that technology may account for that over time, so I do not want to rule that out in a theoretical sense.

I actually want to reinforce your concern that for particularly those issues that warrant a personalised degree of accountability in terms of the person processing, the person who is actually the recipient of a licensing arrangement, personal face to face is actually something that you would envisage for quite some time. Technology may ultimately be able to account for this, but that should not be our default position until it is proven effective and secure and provides the protections that the community may actually be looking for.

Ms PENNICUIK — I do not want to labour this point, but I say in terms of a drivers licence, where you are required to have your photograph taken, you do have to go in person to have your photograph taken, rather than, for example, just sending in a photograph. That anybody could do that is sort of my point, I

suppose, in terms of a drivers licence providing one of those significant numbers of points by which people can establish their identity, along with other things.

Mr JENNINGS — Yes. Again I do not necessarily want to turn this into a private lives demonstration, but I am aware that when I made an application to join Airbnb I had to actually sit in front of my screen, which has a camera in it, and I had to turn my head so that in fact they got a three-dimensional picture. It was not just the picture of me; I do not know what they have done with that video. They have not suspended me, as far as I am concerned, from that, but already the technology exists to move beyond static recognition software.

Mr RICH-PHILLIPS — Minister, to pick up that issue there, the legislation refers to ‘identity credential’. That is the phrase used through the bill, and Ms Pennicuik has asked a number of questions about the elements of that. In essence, what are we talking about with the identity credential that Service Victoria will hold? What is it?

Mr JENNINGS — What it is is a record that the citizen has been able to sufficiently demonstrate, consistent with standards and consistent with what would be the rules of evidence and evidentiary requirements under statute, proof of identity for that level of licensing or payment structure. That credential is then maintained as a record that that identity has been established. It is not a collation or a permanent record of the individual items that made it up, but it is a record of the fact that they were demonstrated at a particular point in time to the satisfaction of the requirements.

Mr RICH-PHILLIPS — Thank you, Minister; I think that is helpful. To just take it a step beyond the single-use credential and to contrast with the enduring, or permanent, credential, could you make that contrast in a description, please?

Mr JENNINGS — What it is, then, is that the customer will make at the end of the transaction, once the credential has been established, a choice. Do you effectively want this credential, the record, to be enduring or do you actually want it to be one-off? You make that choice yourself, and the system will accommodate it accordingly.

Mr RICH-PHILLIPS — Thank you, Minister. I would like to ask you about a brief that was prepared for the Minister for Consumer Affairs, Gaming and Liquor Regulation — it is like an event brief — where the Department of Justice and Regulation has briefed the minister that, and I will quote:

Pending passage of relevant legislation —

which, presumably, is this bill we are looking at now —

Service Victoria will have a legislation function as an identity regulator. As a result, it is anticipated that Service Victoria will explore the potential for a state-issued identity document which may complement or alleviate the need for the POA card.

I think that is a proof-of-age card. Can you outline what the intention is with respect to a state-issued identity document, based off what Service Victoria is establishing?

Mr JENNINGS — Mr Rich-Phillips, in relation to the document that you refer to, I cannot verify that document. I cannot verify what is in it or verify the policy intent according to it that you describe. What I can tell you is that there is no intention of the government to introduce an identity card.

Mr RICH-PHILLIPS — Thank you, Minister. Did the department of justice get it wrong in advising the minister for gaming and liquor regulation?

Mr JENNINGS — It would be a one-off, wouldn't it, if the department got something wrong?

Mr RICH-PHILLIPS — If the department of justice got something wrong?

Mr JENNINGS — It would be a one-off.

Mr RICH-PHILLIPS — So no work has been contemplated by Service Victoria around the creation of an identity document. I note this is phrased in terms of being after the legislation passes. Are you absolutely, categorically, ruling that out?

Mr JENNINGS — What I am ruling out is the policy intent that is described there and the way in which that policy intent would be enacted. If that briefing material that you have described to me is authentic — and I have got no idea how I could verify that —

Mr Rich-Phillips — You could get a briefing on it.

The ACTING PRESIDENT (Mr Elasmr) — There is no need for that.

Mr JENNINGS — The Acting President does not want me to have it, and I do not think I want it, either. What I can say is that I know that that agency is interested in a proof-of-age card and that that was very important to it. I know that.

Clause agreed to; clauses 37 to 56 agreed to.

Clause 57

Ms PENNICUIK — I move:

1. Clause 57, line 8, omit 'fifth' and insert 'third'.

Therefore clause 57(1) would read:

The Minister must cause an independent review of the operation of this Act to be undertaken as soon as possible after the third anniversary of the commencement of this Act.

In effect a review of this act must be carried out in three years rather than five years. I moved the amendment because this is a significant piece of legislation and because we have spent quite a time on it in Parliament and before it came into the Parliament, with several briefings and people raising a lot of questions and queries with regard to the operation of the act. So I think the review should be brought forward to an earlier time. I think three years is enough time to see how it is working but also not too far away; I think five years is too far away to actually have the review.

Mr RICH-PHILLIPS — I just want to ask Ms Pennicuik, because I do not have the amendment in front of me, does it also make a consequential amendment to clause 57(3) with respect to the timing of it being tabled?

Ms PENNICUIK — Interestingly, no, it does not make that amendment, but it possibly should. Yes. I suppose we can.

Mr JENNINGS — I am happy to say that the government has accepted the amendment, and I am happy to put on the public record that I would give undertakings that clause 57(3) would be complied with well and truly ahead of time.

Ms PENNICUIK — I move a further amendment to clause 57:

Clause 57, line 14, omit 'fifth' and insert 'third'.

Mr RICH-PHILLIPS — The coalition would be happy to support Ms Pennicuik's two amendments Ms Pennicuik subsequently moved to amend clause 57(3) as well as clause 57(1). So yes, we are happy to support both those amendments to bring forward the review to the third anniversary from the fifth anniversary.

Ms PENNICUIK — Acting President, either that or that the amendment be amended to say 'lines 8 and 14'.

Mr JENNINGS — I will look at that. The government is happy to accept the amendments and the intent that the committee is uniting over.

Amendments agreed to; amended clause agreed to.**Clause 58**

Mr JENNINGS — As I foreshadowed when the committee started meeting today, I move:

Clause 58, page 49, after line 13 insert—

“(3) Without limiting the requirements of section 5 or 10, the Minister must not recommend to the Governor in Council the making of a regulation—

- (a) for the purposes of section 5 prescribing as a transferred customer service function a customer service function of a service agency which is a Council; or
- (b) for the purposes of section 10 prescribing as a transferred identity verification function an identity verification function of a service agency which is a Council—

unless the Minister has obtained the prior agreement to that transfer of the relevant Council or Councils whose functions are to be transferred.”.

Indeed, as I have already advised the committee, it is the government's policy intention that a transfer would not take place without an agreement of the council. It was always predicated on an agreement being struck, and this is providing that the regulations that support any transfer cannot take place unless an agreement has been obtained.

Mr RICH-PHILLIPS — Thank you, Minister. I am pleased that you are bringing forward this amendment to clarify the operation of those key provisions of the bill. Can you clarify for the purpose of the record that a transfer under clause 5 cannot have effect without there being a regulation made as well? Obviously this amendment refers only to regulations with the agreement of the council. Can you just clarify that the mechanism which is set out in clause 5, only part of which relates to regulations, cannot take effect without that agreement?

Mr JENNINGS — As I indicated to the committee before, the policy intent was to only allow transfer functions to take place with an agreement, but this is a belt-and-braces approach in that a transfer cannot occur in relation to those customer functions of a council without the express agreement of the council, and the regulations would not be able to proceed unless that was furnished.

Ms PENNICUIK — I have raised with the government a couple of times my concerns about local councils being different from departmental agencies in that they are elected bodies with CEOs et cetera and

they may be in different stages of wanting to improve their own relationships with their constituents, as I mentioned in the committee stage last week. I was very concerned about a blanket referral of the functions of 79 councils by the Minister for Local Government, which is one way of reading clause 5, so I welcome the government's clarification with regard to this amendment to clause 58.

Amendment agreed to; amended clause agreed to.

Reported to house with amendments.

Mr JENNINGS (Special Minister of State) (13:56) — I move:

That the report be now adopted.

House divided on motion:

Ayes, 24

Bourman, Mr	Patten, Ms
Carling-Jenkins, Dr	Pennicuik, Ms
Dalidakis, Mr	Pulford, Ms
Dunn, Ms	Purcell, Mr
Eideh, Mr (<i>Teller</i>)	Ratnam, Dr
Elasmar, Mr	Shing, Ms
Gepp, Mr	Somyurek, Mr
Jennings, Mr	Springle, Ms
Leane, Mr	Symes, Ms
Melhem, Mr	Tierney, Ms
Mikakos, Ms	Truong, Ms (<i>Teller</i>)
Mulino, Mr	Young, Mr

Noes, 16

Atkinson, Mr	Morris, Mr
Bath, Ms	O'Donohue, Mr
Crozier, Ms	Ondarchie, Mr
Dalla-Riva, Mr	O'Sullivan, Mr (<i>Teller</i>)
Davis, Mr	Peulich, Mrs (<i>Teller</i>)
Finn, Mr	Ramsay, Mr
Fitzherbert, Ms	Rich-Phillips, Mr
Lovell, Ms	Wooldridge, Ms

Motion agreed to.

Report adopted.

Third reading

Mr JENNINGS (Special Minister of State) (14:04) — I move:

That the bill be now read a third time.

House divided on motion:

Ayes, 24

Bourman, Mr	Patten, Ms
Carling-Jenkins, Dr (<i>Teller</i>)	Pennicuik, Ms
Dalidakis, Mr	Pulford, Ms
Dunn, Ms	Purcell, Mr
Eideh, Mr	Ratnam, Dr

Elasmar, Mr
Gepp, Mr
Jennings, Mr
Leane, Mr
Melhem, Mr
Mikakos, Ms
Mulino, Mr

Shing, Ms
Somyurek, Mr
Springle, Ms
Symes, Ms
Tierney, Ms
Truong, Ms
Young, Mr (*Teller*)

Noes, 16

Atkinson, Mr
Bath, Ms
Crozier, Ms
Dalla-Riva, Mr (*Teller*)
Davis, Mr
Finn, Mr
Fitzherbert, Ms
Lovell, Ms

Morris, Mr
O'Donohue, Mr
Ondarchie, Mr
O'Sullivan, Mr
Peulich, Mrs
Ramsay, Mr (*Teller*)
Rich-Phillips, Mr
Wooldridge, Ms

Motion agreed to.

Read third time.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Prisoner social media access

Mr O'DONOHUE (Eastern Victoria) (14:08) — My question is to the Minister for Corrections. Minister, it was reported today that multiple murderer Craig Minogue is running a Twitter account. How is it possible that you as the minister responsible for Corrections Victoria knew nothing about what was actually occurring?

Ms TIERNEY (Minister for Corrections) (14:08) — I thank the member for his question. The law is clear that no prisoner in Victoria has access to the internet or mobile phones. Prisoners can only have phone contact with a list of people approved by Corrections Victoria, as stipulated in the act. It is not appropriate to publish this sort of material on the internet, and we would expect whoever is facilitating this activity outside the prison to consider the effect that it could have on the victims of crime. I have asked Corrections Victoria to investigate the options for what can be done about this in the circumstances that we have. In fact I would suggest that broadcasting that prisoner's message on radio or raising it and debating it in Parliament only seeks to do what that prisoner wants. It seeks to do the work for him to raise his public profile.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) (14:10) — Minister, given that media commentators knew of this Twitter account but you did not, can you at least detail what supervision is undertaken to monitor the social

media of notorious criminals operated by sympathisers from outside of prison?

Ms TIERNEY (Minister for Corrections) (14:10) — I thank the member for his question. The fact of the matter is that I will not go into details on what the intelligence systems are in respect to tracking the communications of prisoners. It is not appropriate and indeed puts the prison system at risk, Mr O'Donohue.

Lara prison expansion

Mr MORRIS (Western Victoria) (14:11) — My question is for the Minister for Corrections. When will the Andrews government finalise the land purchase for the new prison in Bacchus Marsh?

Ms TIERNEY (Minister for Corrections) (14:11) — I thank the member for his question. These are negotiations and discussions that are going on at the moment. They have been going on for some months or weeks and they will continue. I do not think it is appropriate for me to offer any further comment on this point at this time.

Supplementary question

Mr MORRIS (Western Victoria) (14:11) — Thank you, Minister, for your response, and thank you, Minister, for confirming that there is indeed a Labor plan to purchase land in Bacchus Marsh to build a new prison. Minister, will you confirm that you made a mistake in the budget papers or will you stand by your answer then that you are seeking to purchase land in Bacchus Marsh to build a prison?

Ms TIERNEY (Minister for Corrections) (14:12) — I thank the member for his question and for the frivolity that he enacts when he asks his questions. The fact of the matter is that the Lara precinct is on Bacchus Marsh Road. There was a typographical error in the budget papers. Everyone knows that the fact is that it is the Lara area. Is that the best you can do when every single media outlet a week ago understood that there was a typographical error? It is on Bacchus Marsh Road, Mr Morris.

Wild dog control

Ms BATH (Eastern Victoria) (14:13) — My question is to the Minister for Agriculture. Minister, will you reinstate the use of Lane's dog traps by doggers and farmers fighting the difficult battle against wild dogs that maim sheep across the north-east and Gippsland?

Ms PULFORD (Minister for Agriculture) (14:14) — North-east Victoria?

Ms Bath — Correct.

Ms PULFORD — Thank you for that clarification. There have been no changes to the arrangements for the equipment that doggers use in relation to the undertaking of their duties, but I might take that question on notice and seek further advice for Ms Bath. The work that is undertaken by doggers is undertaken by the Department of Environment, Land, Water and Planning, so I may need to confer with my colleague on this specific question.

Supplementary question

Ms BATH (Eastern Victoria) (14:14) — You acknowledge that there has been no change but you are going to seek further information. It seems to me that this is still in the ag department, it is still very much a live issue for the Minister for Agriculture, and so my supplementary question is: why do you appear to be more concerned about the welfare of wild dogs than the welfare of the sheep that they maim and the farmers that they stress?

Ms PULFORD (Minister for Agriculture) (14:15) — That is an utterly ridiculous assertion. The government has a number of strategies, measures and programs in place to control wild dog populations. We absolutely understand the distress that they cause to our farming community. For instance, aerial baiting — we have doubled funding for that since we have been in government.

Ms Bath — Only after you halved it.

Ms PULFORD — Sorry? Did you have something useful to say? No? I would have thought not. I completely reject Ms Bath's suggestions that the government cares more for the welfare of wild dogs than it does for the sheep they attack or indeed for the welfare of farmers, who are also impacted by wild dog activity. I would take this opportunity to thank and commend the work of our wild dog advisory committee and certainly reassure Ms Bath that the government takes absolutely seriously our responsibilities to this end — aerial baiting, trapping, a range of measures, fencing — and we will continue to do so.

Lemnos solar plant

Mr O'SULLIVAN (Northern Victoria) (14:16) — My question is also to the Minister for Agriculture. Minister, farmers, irrigators and horticulturists at Lemnos, near Shepparton, are very concerned about the

proposed establishment of a 500-hectare industrial solar plant on prime irrigated farming land and the impacts it will have on the production of apples, pears and milk in that district. Minister, will your government develop guidelines to protect prime agricultural land from solar plant proposals?

Ms PULFORD (Minister for Agriculture) (14:17) — I thank Mr O’Sullivan for his question and for the National Party’s newfound interest in Shepparton, because —

An honourable member interjected.

Ms PULFORD — No, it is not. You cannot read the Shepparton paper without seeing them tripping over each other in the street, because suddenly there is an excellent local member delivering tangible outcomes and significant wins for her community.

Mr Finn — She’s a Labor MP, is she?

Ms PULFORD — She is the Independent member for Shepparton in the Assembly.

Mr Finn interjected.

Ms PULFORD — Why don’t you just crawl back into your hole.

Mr O’Sullivan — On a point of order, President, clearly the minister is debating the question, and I am more than happy to have that debate, but I ask you to bring her back to actually answering the question.

The PRESIDENT — The minister obviously has a substantial amount of time left in her allocated time to answer the question, and I am sure she will move to that.

Ms PULFORD — Yes; thank you, President. The member for Shepparton, Ms Sheed, some time ago — probably a couple of months ago — raised the question of planning controls for large solar farms with the relevant minister, who is the Minister for Planning, so I can certainly reassure Mr O’Sullivan that these matters are under consideration by the government. Ms Sheed has been advocating for growers in her region and for producers in her region and has been doing that directly to the correct minister who is responsible for it.

Supplementary question

Mr O’SULLIVAN (Northern Victoria) (14:18) — Minister, what specific steps have you taken as agriculture minister to ensure protection of precious irrigated agricultural land in Lemnos?

Ms PULFORD (Minister for Agriculture) (14:19) — I have had discussions about the solar panel proposals in Shepparton with the local member, and she has informed me that she is dealing with the responsible minister, the Minister for Planning, who has called in four proposals.

An honourable member interjected.

Ms PULFORD — What I reckon about the planning rules is not as important as what the planning minister can actually do about them. So I can certainly assure Mr O’Sullivan that the local member is very active on this issue and that she is talking to the relevant minister, and as I understand the four proposed solar farms have been called in. Because we believe climate change is real, our government has actively sought to increase the amount of investment going on in renewable energy, so there is a whole lot more going on than there has been before. Ms Sheed has suggested, and rightly so I believe, that the time has certainly come for there to be some consideration of the planning rules that exist in relation to large-scale solar farms, and those matters are being considered by the relevant minister.

Electorate office budgets

Ms WOOLDRIDGE (Eastern Metropolitan) (14:20) — My question is to the Leader of the Government. Minister, last week in response to a question regarding the red shirts rorts you said:

... at no stage has anybody indicated or validated that a number of \$388 000 worth of work was falsely claimed ...

Given the government’s rejection of that figure, including once again in a written response received today, how much does the government accept was falsely claimed?

Mr JENNINGS (Special Minister of State) (14:21) — The answer to Ms Wooldridge’s question is that the government does not necessarily accept that any money was falsely claimed. What we did accept, and certainly the Australian Labor Party accepted, was that there was sufficient doubt raised on the veracity of the guidelines that relate to the expenditure of electorate office budgets, and we acted in accordance with what the Ombudsman had deemed it to be on balance, despite the fact that the Ombudsman recognised that much, if not all, of the activity would quite normally fall within the normal scope and responsibilities and actions of an electorate officer. That is number one. The Ombudsman also found that in fact no personal advantage had been obtained and in fact people had acted in good faith, which is an answer that my

colleagues have actually referred to on a number of occasions. The Australian Labor Party decided, to avoid any doubt in relation to this matter, that the entire amount that had been identified as potentially being subject to this concern should be repaid, and that was repaid.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) (14:22) — Thank you, Minister. I think if I can paraphrase, you are saying the government does not accept that any of it was falsely claimed — that the answer is zero. You have taken the Ombudsman's number, but you can clarify that in your response if that is the case. I ask: does the government actually accept any wrongdoing by its members in relation to this matter?

Mr JENNINGS (Special Minister of State) (14:23) — People are actually interested in rewriting history or rewriting the history of what the Ombudsman said and rewriting the history of what I have said. I have indicated to the chamber on a number of occasions — I have actually been on the public record inside and outside the chamber — to say that the Australian Labor Party and its members have regrets in relation to the way in which this scheme was administered. We do accept that in fact it was not watertight in relation to what members who participated in the scheme believed — that it was watertight in relation to clearly delineating the responsibilities of electorate officer activity and campaigning activity. We clearly regret that. We acknowledge in fact that that should not have occurred, and we have been prepared to pay the total amount identified by the Ombudsman rather than to quibble about where the dividing line is between appropriate electorate office expenditure and what was inappropriately deemed by the Ombudsman.

Electorate office budgets

Mr RICH-PHILLIPS (South Eastern Metropolitan) (14:24) — My question is to the Minister for Corrections representing the Attorney-General. What discussions, contact or any other interaction occurred between the Attorney-General or his office and Victoria Police regarding the police's red shirts rorts investigation?

Ms TIERNEY (Minister for Corrections) (14:24) — I thank the member for his question. I will refer that matter to the Attorney-General.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) (14:24) — I thank the minister for her response. How was the Attorney-General informed that Victoria Police would not pursue further investigations or prosecution regarding the red shirts rorts?

Ms TIERNEY (Minister for Corrections) (14:25) — I thank the member for his question, and again I will refer that matter to the Attorney-General.

National disability insurance scheme

Dr CARLING-JENKINS (Western Metropolitan) (14:25) — My question is for the Minister for Corrections, Ms Tierney.

Mr Dalidakis interjected.

The PRESIDENT (14:25) — Mr Dalidakis, 15 minutes, thank you. Then I will be able to hear Dr Carling-Jenkins's question.

Mr Dalidakis withdrew from chamber.

Dr CARLING-JENKINS — Thank you, President. My question is for the Minister for Corrections, Ms Tierney. It has recently been exposed by the ACT Human Rights Commission, Prisoners Aid and the ACT Disability, Aged and Carer Advocacy Service that the national disability insurance scheme (NDIS) is failing to assess applications from prisoners in a timely manner, either leading to delays in the provision of services to people when they exit detention or leading to people with disabilities spending a longer time in detention because they cannot satisfy the parole board that they will have sufficient supports in the community. Can the minister provide an assurance that a similar situation is not occurring in relation to NDIS applications from Victorian prisoners with disabilities?

Ms TIERNEY (Minister for Corrections) (14:26) — I thank Dr Carling-Jenkins for her question. This is a very relevant question and an issue that has confronted the corrections system in this state as well as other states. We have had a dedicated resource within the Department of Justice and Regulation (DJR) not just looking at this but also working out an implementation plan on how the NDIS rollout actually connects up with services and indeed what the transitional arrangements can be or are going to be in respect to the interface of those services and the NDIS.

This is a very complex issue, and I can assure the member that DJR and Corrections Victoria are very much involved in this space and are working towards ensuring that the best possible outcome is there.

Recycling industry

Ms TRUONG (Western Metropolitan) (14:27) — My question is for the Special Minister of State representing the Minister for Energy, Environment and Climate Change. For a long time we have sorted our recycling badly and then shipped some of it off to China. Now China does not want our contaminated and unsorted waste, and our recycling system is in crisis. Last week the state budget included some funds to prop up kerbside recycling and develop a strategic recycling plan. Unfortunately this money will run out and leave councils and communities back at square one within months. Victorians are keen to front up to the waste that we create and take the opportunity to create jobs and a market for sustainable Victorian-made products and packaging. My question is: in last week's budget announcement why did the government ignore our local recycling industry and not fund the urgent expansion of local sorting and processing for recycling Victoria's waste?

Mr JENNINGS (Special Minister of State) (14:28) — I thank the member for her question. As she indicates, the budget does contain additional measures beyond the funding that was allocated immediately by the government when this issue drew attention to itself recently when the import ban from China started to take effect.

The policy attempt that you describe and what you want to occur the government also wants to occur. We are not arguing about the policy intent that you describe in terms of re-use, recovery and recycling within our waste management system. We need to drive investment. We need to drive better economic opportunities to recycle material. We need to support industry to do so. In fact there have been many examples where that has taken place, but it has not got the critical mass that you or I or, I am sure, the environment minister would want to see. So with the investments that we have made, the policy intention we agree on and the desirability of that you have got no challenge with the environment minister in relation to recognition of that issue.

There has been some budget support. There was some additional money allocated previously. Beyond that I will ask my ministerial colleague to actually supplement my framing of that, but what you want is absolutely what our economy needs.

Supplementary question

Ms TRUONG (Western Metropolitan) (14:30) — I thank the minister for the response. I would like to know when the government will take a leadership role in this given that there was nothing in the budget to expand the local recycling industry so that we can shift from the make, take and dump approach that got us into this mess, so my question is specific to the timing of when we expand the industry.

Mr JENNINGS (Special Minister of State) (14:30) — I will take advice from my colleague about what might be key milestones in the development of that policy response.

Logging coupe planned burns

Ms DUNN (Eastern Metropolitan) (14:30) — My question is for the Minister for Agriculture. Minister, over the past two weeks my electorate of Eastern Metropolitan Region plus much of greater Melbourne have been subjected to horrendous air quality due to planned burns. This has caused air quality to deteriorate drastically. For example, on the evening of 1 May the PM2.5 reading — a measure of the concentration of tiny carcinogenic particulates — was over 120 micrograms per cubic metre at measuring stations in Mooroolbark and Dandenong, over 60 in Brighton and over 30 in Alphington. These readings greatly exceed the World Health Organisation 24-hour exposure of 25 micrograms per cubic metre and fall into the Environment Protection Authority Victoria's (EPA) category of 'very poor' air quality. Considering that 77 of the 119 burns were regeneration burns in logging coupes and therefore unrelated to community safety, could the minister advise the Victorian public why they must endure such poor air quality for the sake of the native forest industry?

Ms PULFORD (Minister for Agriculture) (14:31) — I thank Ms Dunn for her question. The planned burns that are conducted on public land are primarily a matter that is the responsibility of the Minister for Energy, Environment and Climate Change. I certainly know that given the very late and warm summer that we have had the window of opportunity for burning was a little later than it has perhaps been in previous years and that the department responsible for this takes all steps available to it to minimise the impact on communities while undertaking its responsibilities to undertake such burns.

I know Ms Dunn does not like the native timber industry, but I would assure Ms Dunn that the Department of Environment, Land, Water and Planning

(DELWP) and the EPA monitor smoke impact. I, like I think many other people in the community, certainly noticed the haze and impact of a lot of burning activity in the period that Ms Dunn has referred to. I will conclude my remarks by reassuring Ms Dunn that we will continue to take every possible precaution to ensure community safety.

Supplementary question

Ms DUNN (Eastern Metropolitan) (14:33) — Thank you, Minister. Could you confirm that VicForests has been engaged in emergency meetings with the Department of Health and Human Services and the EPA and these meetings have been called due to an uptick in hospitalisations and emergency home visits for the treatment of pulmonary and cardiovascular or respiratory health issues triggered by air pollution caused by logging coupe burns?

Ms PULFORD (Minister for Agriculture) (14:33) — I can indicate to Ms Dunn that VicForests works very closely with our fire services — the DELWP fire services and others — to ensure community safety in the undertaking of planned burns. The specific details of meetings and whether they were scheduled or were emergency meetings, and what in fact constitutes an emergency meeting, are things I will take on notice and provide Ms Dunn with a written response to.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) (14:34) — There are 60 written responses to the following questions on notice: 11 233–5, 11 477–8, 11 482, 11 484, 11 486, 11 488, 11 494, 11 499–500, 11 504, 11 507, 11 509, 11 511, 11 517, 11 522–3, 11 527, 11 529, 11 531, 11 533, 11 539, 11 544–5, 11 549, 11 551, 11 553, 11 555, 11 561, 11 566–7, 11 571, 11 573, 11 575, 11 583, 11 597, 11 818, 12 469–70, 12 485, 12 556, 12 573, 12 600, 12 609, 12 610–11, 12 625–8, 12 633–7, 12 642, 12 644, 12 650.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT (14:34) — In respect of today's questions, Mr O'Donohue's question to Ms Tierney, the supplementary question, I direct a written response within one day; Ms Bath's question to Ms Pulford, the substantive question, two days; Mr O'Sullivan's

question to Ms Pulford, both the substantive and supplementary questions, two days; Mr Rich-Phillips's question to Ms Tierney, the substantive and supplementary questions, two days; Ms Truong's question to Mr Jennings, both the substantive and supplementary questions, two days; and Ms Dunn's question to Ms Pulford, the supplementary question, two days.

Mr Ondarchie — I have a point of order, President, that relates to a written response I have received to a question without notice to the Minister for Small Business, Innovation and Trade that I asked on our last sitting day. It was in relation to the small business cleaners who have lost their contracts at schools, and the minister's response refers me to the Minister for Education to satisfy this matter. However, I draw your attention, President, to a written response the same minister gave to Mrs Peulich earlier this calendar year where he indicated that the Department of Education and Training and Small Business Victoria are working together to manage the outputs of the cancellations of the contracts for these family-owned businesses. So I put to you, President, that in fact the minister does carry responsibility for this written response, and I ask for it to be reinstated.

Further, I draw your attention to the second part of the minister's response to my substantive question — a matter that you have already ruled on — and put to you that he is in direct conflict with your ruling about how one would answer questions.

The PRESIDENT — Mr Ondarchie did provide me with the courtesy of letting me have a look at this question and answer. I am of the view that I will not reinstate the question because I believe that for the most part the responsibility in this matter is indeed with the education department rather than with the Minister for Small Business. I know there is a view that the Minister for Small Business ought to be across all and every type of business no matter what sector they are involved in and no matter what their contractual arrangements or business services are with any other government agency. Whilst that is worth exploring on various occasions, I am not of the view that the minister should be or is in a position to necessarily have knowledge of all of those matters and that indeed the jurisdiction in some of those matters will fall with the contracting agency rather than with the Minister for Small Business.

As I said, I do not rule out exploring those matters on any occasion because there may well be occasions when indeed the minister does have or has had communications or involvement on which he could

provide further information to the house. Mr Davis pursued a matter in the previous week in regard to bus proprietors, and Mr Davis was of the view that those proprietors might well have had contact with the minister for small business's office in respect of the sustainability of their businesses in circumstances where a ministry of transport decision had potential impact on those businesses. Clearly that was an appropriate question to put to the minister if indeed the bus proprietors had had contact with him.

In this case, as I said, I do not seek to reinstate the question. I do, though, refer further to the matter put by Mr Ondarchie with regard to a biblical quote. In this context I would say that whilst I understand why that quote might have appeared in this answer — and indeed a similar quote was forthcoming in the last sitting week — I think it is churlish to everyone's beliefs and values if indeed quotes are used in this context and for a purpose which is clearly to provide a level of ridicule rather than a level of information. I would hope not to see those quotes going forward.

RULINGS BY THE CHAIR

Questions on notice

The PRESIDENT (14:39) — I have also been forwarded a number of requests from Ms Wooldridge in respect of the reinstatement of questions on notice. In the case of questions on notice 12 540, 12 541 and 12 542, I am of the view that the answer was not satisfactory in terms of providing a level of information that was pertinent or apposite to the question asked. Therefore I do seek the reinstatement of those questions. In regard to question on notice 12 335, again from Ms Wooldridge, I seek to reinstate that question for the same reason.

In regard to question on notice 10 183, I would seek to reinstate the parts of that question numbered (1), (2) and (3) for a further answer. In the case of question on notice 11 220, I would seek to reinstate that question because I do not believe it has been answered. In regard to questions on notice 10 920, 10 921, 10 922, 10 923, 10 924, I would seek to reinstate in the case of all five questions only part (3) of those questions, which I do not believe have been adequately answered.

Mr Davis — On a point of order, President, further to the point you raised about a question I asked the Minister for Small Business in the last sitting week — and I have had a response from him — what I sought in that answer was a broad policy question, a broad parameter or a broad framework that the government might be operating in with respect to the assets of small

business. Unfortunately the answer that I received did not respond to what was a legitimate question about government policy in this area. The minister said to me in his substantive response:

I refer to my answer previously provided to the house on a matter raised by the member for southern metropolitan on 22 February 2018: I do not deal in hypotheticals and therefore not in a position to answer that question.

President, I put it to you that that question also should be reinstated because it was not a hypothetical question; it was a question about what the government's policy actually is. The minister may have many answers to that, but one of them is not that it is a hypothetical. The government actually has a policy or it does not, but either way responding that it is a hypothetical, in my view, is not a genuine response.

The PRESIDENT — Mr Davis, I do not have that one in front of me and the clerks do not have a copy of that in front of them either, so I will come back with a decision on whether or not that question should be reinstated perhaps later this day or tomorrow.

Mr Morris — On a further point of order, President, the Minister for Corrections in her response to my substantive question today stated that negotiations for land for a new prison in Bacchus Marsh are ongoing. However, in her response to my supplementary question she stated that the listing of Bacchus Marsh as the location of a new prison was a typographical error in the budget. As the minister's responses to both my substantive and supplementary questions are contradictory, I would suggest that she has misled the house in either one or the other and therefore owes the house a personal explanation.

Ms Tierney — On the point of order, President, I did not hear the words 'Bacchus Marsh' in the original question, and I answered on the basis of the negotiations that have been and are being conducted in relation to the Lara precinct. I think that the member is deliberately trying to mislead the house now. The fact is that the land that is being discussed is on Bacchus Marsh Road. There never has been and there is no intention to build or negotiate with local landholders around Bacchus Marsh. So they are being absolutely outrageous in attempting to engender fear and speculation in the community of Bacchus Marsh, and I condemn that juvenile behaviour.

The PRESIDENT — Order! I indicate that I have some sympathy with the minister in terms of when the question was put to her there was way too much noise in the house. I had difficulty hearing the question as well and so I am not surprised if in fact she did not hear

it properly. The minister in her supplementary answer clearly indicated that there was an error in the budget papers. I would hope that in fact the Treasurer might provide information to this house to indicate the error in the budget, which does happen from time to time in documents. As members will know, there is a notification to members of those errors. I do not believe that the minister in this house is responsible for what we will call a typographical error in the budget papers. She has certainly made it very clear today, and it is beyond the need for any personal explanation in the sense that I think she has clarified that position today.

Mr Davis — On a point of order, President, in relation to errors in the budget, the normal practice in this house, unless I am mistaken, where a minister has tabled something with an error is that there would be some process or some explanation of that. In this case, as I understand it, that would be given by the Leader of the Government in this chamber. Although I accept he is not the Treasurer, in this house he is responsible.

Ms Shing — No, that is not a point of order.

The PRESIDENT — No, but it is helpful to the house, Ms Shing, and I am quite prepared to entertain Mr Davis's comment. I think that certainly somebody ought to have provided an indication to all members of the Parliament that in fact there was that error in the budget papers. As I said, certainly there is a protocol. Members will know that from time to time they receive a document from a department that indicates there is an error on such and such a page and corrects that error. So I would hope that in fact that might still be forthcoming, because I think that is an important part of the process. Otherwise we clearly get these sorts of misunderstandings. Whether or not Mr Jennings is able to facilitate that on the basis that he tabled the budget in this house is to be determined by Mr Jennings. Certainly I would have thought that the Treasury department would in fact provide the notification of that error, and hopefully of no more errors.

Mr O'Donohue — On a point of order, President, in response to your guidance, I note that the budget actually refers to Bacchus Marsh as a location for the prison in multiple locations in the index as well as in the output capital items. So I make that point because a singular error was referred to, but it was actually referred to multiple times.

On a separate point of order, President — and I have raised this with you previously — Mr Ondarchie, Mr Morris, Mr Davis, I and others have all raised issues during what is still question time, and until Ms Tierney returned to the chamber there was only one minister in

the chamber. I think it is discourteous to the chamber when legitimate questions are raised for ministers and they are not here.

Honourable members interjecting.

The PRESIDENT — Order! Ministers are entitled to leave when they feel that their responsibilities have been acquitted at the end of question time. It might well be that I think it would be courteous to the house if indeed they did remain until we had exhausted any concerns about answers that had been provided and not responded to, but nonetheless even though they had left the house the fact is that they are not required to respond to those queries. It is me who responds to those queries in the sense that I determine whether or not I will reinstate them, and the minister is obviously informed of my decision and hopefully provides that further explanation or answer. Yes, there may well be a courtesy factor involved, but there is certainly no set responsibility on the minister to remain in that period. As we know, sometimes question time is variable in terms of its answers and all of us can sometimes have other important commitments during the course of the day.

In respect to your first point of order, which was the fact that Bacchus Marsh appeared multiple times in the budget papers —

Ms Tierney — Under the heading of Lara.

The PRESIDENT — I am on my feet, by the way. I am accepting the minister's explanation today and take it in good faith that in fact there is no proposal for Bacchus Marsh and those references should have referred to a road rather than a locality. I think in the circumstances I would prevail upon Mr Jennings to perhaps get the Treasurer to provide that correction if that is the government's intention.

Mr Ramsay — On a point of order, President, I am sorry to prolong the points of order on constituency questions but I only received my response from Ms Tierney this morning in respect to a question I raised in the last sitting week. That was in respect to her signing off on an electorate officer in the knowledge that he was working in the electorate office in the morning and doing campaign fieldwork in the afternoon. If you remember, President, you directed her to revisit the answer which was referring to the Ombudsman's report within 24 hours, and I only today received a response which exactly mirrors the response she gave to the questions I raised, both substantive and supplementary. I have not had time to pass you the response but I will, and I just flag this with you so you

could actually redirect Ms Tierney by having this question reinstated.

The PRESIDENT — I will give consideration to that matter when I have had a chance to review the answer as well.

CONSTITUENCY QUESTIONS

Western Victoria Region

Mr MORRIS (Western Victoria) (14:52) — My constituency question is for the Minister for Corrections. As has been stated in this house on numerous occasions already today, the budget did contain numerous references to the fact that a new prison was to be built in Bacchus Marsh. Now, we have heard a variety of responses from the minister with regard to this issue, but what is clear is that there has been a massive error made which has caused significant angst in the Bacchus Marsh community. The question that I ask of the minister is: will the minister offer to the community of Bacchus Marsh an apology for this massive blunder contained in the budget?

Ms Tierney — I would like to seek leave to answer Mr Morris's constituency question.

The PRESIDENT — No, there is not that opportunity.

Western Metropolitan Region

Dr CARLING-JENKINS (Western Metropolitan) (14:53) — My constituency question is to the Minister for Public Transport and concerns a high level of noise pollution being caused by trains passing the Ardeer railway station. This is the subject of a petition that I laid on the table today. Residents have complained that the iron noise barrier constructed partially along Forrest Street in Ardeer and West Sunshine has failed to effectively absorb noise. The barrier does not cover the Ardeer Community Park, and noise from passing trains has been recorded as hitting nearby houses at 60 to 110 decibels. As there is a level crossing at the station, train drivers are also constantly using their horns as their trains pass through. Over the past 10 years the number of trains passing through this train station has increased from a few per hour to 20 per hour, so residents are exhausted through putting up with this noise. Will the minister commit to ensuring that appropriate and effective noise reduction barriers are constructed along the entirety of the train line to provide these Ardeer residents with much-needed noise relief?

Western Victoria Region

Mr RAMSAY (Western Victoria) (14:54) — My question is to the Honourable Luke Donnellan, and it is in relation to, strangely enough, Bacchus Marsh Road. I am sorry Ms Tierney is not here. I would give her some instructions on exactly where that prison is to be located. In fact I was driving from Geelong to Bacchus Marsh right past where we know that prison will be located, but the issue for me is about the road itself. It is classified as one of the most dangerous roads in Victoria. It has had multiple fatalities on it. I note that VicRoads have just put up the wire and steel rope barriers bang in the middle of Bacchus Marsh Road, and there is barely enough pavement for a car to travel on one side and the other side. I can only see if a car actually veered into that rope barrier it would flop straight back headlong into the oncoming traffic. It is terribly dangerous, badly situated and certainly not a remedy for fixing that road, which needs a total duplication, not a wire barrier strung down the guts of the road. My question to the minister is: is that a temporary measure or is that a permanent measure?

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) (14:56) — My constituency question is for the Minister for Energy, Environment and Climate Change. Residents in my electorate are concerned about the consistent frequency of pollution events in Dandenong Creek. This creek is important as it feeds wetlands and supports a variety of aquatic and avian species. Citizen-led monitoring has shown that pollution events, many late at night, are emanating from a stormwater drain leading out of the Bayswater industrial estate. Six of these events have been identified so far this year. My question is: will the minister direct the Environment Protection Authority Victoria to assist First Friends of Dandenong Creek in tracing the source up the stormwater drains to identify the premises that is the source of these illegal pollution events?

Western Metropolitan Region

Mr FINN (Western Metropolitan) (14:56) — My constituency question is to the Minister for Planning. The need for the Bulla bypass has been a major issue for decades. This morning's accident on Bulla hill blocked Sunbury Road completely, sending thousands of cars cross-country to the Calder Freeway, causing gridlock for many kilometres there. The government is aware of the desperate need for the Bulla township to be bypassed. Indeed when responding to the matter in the past, the Minister for Roads and Road Safety has informed me the future of the bypass is currently under

the consideration of the Minister for Planning. I ask the minister: when can we expect the minister to make a decision on construction of this important piece of infrastructure?

South Eastern Metropolitan Region

Ms SPRINGLE (South Eastern Metropolitan) (14:57) — My question is for the Minister for Energy, Environment and Climate Change. Developers are currently seeking to rezone a site in Oakleigh South to allow the construction of high-density residential development. In the past this site was quarried for sand mining and subsequently filled with the tailings from sand mining; uncontrolled and unregulated fill, including asbestos; and municipal household waste. The developer proposes to construct high-density housing on top of this waste, even though these quarries were unlined and unregulated when filled.

Coffey, on behalf of the developer, has found that the site has moderate to high risk of contaminants that breach human health guidelines, such as methane, arsenic, benzene and other carcinogens. Coffey proposes to address these issues by supporting the housing structures on concrete pilings extending through the slimes, putrid waste and uncontrolled fill, and capping the site with a concrete lid. This rezoning application is supported by Monash City Council, the Environment Protection Authority Victoria and the earth resources regulation branch of the minister's department. Could the minister please advise where else in Victoria housing has been constructed over unregulated former sand quarries filled with putrid waste, slimes and uncontrolled fill?

Northern Victoria Region

Ms LOVELL (Northern Victoria) (14:58) — My question is for the Minister for Housing, Disability and Ageing and concerns the planned redevelopment of ConnectGV in Shepparton. Established in 1954, ConnectGV is a registered national disability insurance scheme provider that has grown to be the largest disability service within the Goulburn Valley, offering day options, employment opportunities, accommodation and outreach services. ConnectGV's facility at 11 Bowenhall Street, Shepparton, is 64 years old and has several structural defects, including a dropped floor and a wall that has separated from the building structure. ConnectGV currently run admin out of a second site across the road, and the redevelopment will see the admin building removed and the construction of a brand-new facility at this location, creating a contemporary, fit-for-purpose building that will deliver all programs on one site. ConnectGV is

contributing \$3 million of the estimated total cost of the project of \$4.5 million, and the organisation is seeking funding of \$1.5 million to complete this worthwhile project. Will the minister give a commitment to provide funding of \$1.5 million towards the planned redevelopment of ConnectGV?

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) (14:59) — My matter for constituency questions today is for the attention of the Minister for Planning. It concerns Punt Road and the public acquisition overlay that still exists and has existed for many decades over that road. The coalition went to the election with a promise to put a clearway in place and to consider the removal of the public acquisition overlay on many of the properties. The Labor Party promised — their candidate promised — to remove the public acquisition overlay. Now in government what we find is that the government, after a lengthy process strung out over a long period, certainly did do the clearway but have not removed the public acquisition overlay. Our candidate is determined to work with me and others to ensure that that is lifted. What I seek is a review by the planning minister of the planning panel which recommended that the overlay be lifted and that he review his earlier decision and lift the overlay in line with Labor's promises and stop this terrible process where he has misled and left the community without the support they need.

Southern Metropolitan Region

Ms CROZIER (Southern Metropolitan) (15:01) — My constituency question is for the Minister for Housing, Disability and Ageing, the Honourable Martin Foley. It is in relation to the New Street, Brighton, public housing renewal program. I refer to a number of letters sent by Bayside City Council, specifically from the mayor, Cr Laurence Evans, who has highlighted the council's concerns in a number of areas. Specifically the council is seeking the following: reduced heights, with a maximum height of four storeys and appropriate setbacks; a minimum of two-thirds of housing stock on the site; design outcomes; an assurance that dwelling stock on the site will cater to local needs; and council to be the planning authority for the site. I note that a letter received by the council from the minister does provide an overview of the New Street, Brighton, project and states:

The project will deliver new public housing dwellings — more than previously existed on the site ...

So the question I ask is: how many new public housing dwellings and how many people will the renewal cater for?

Eastern Metropolitan Region

Ms WOOLDRIDGE (Eastern Metropolitan) (15:02) — My question is for the Minister for Public Transport in the other place. It relates to the true cost of the Hurstbridge rail upgrade that is underway. In February 2017 the government lauded the signing of the upgrade, saying the works were part of a \$395 million package which would include the removal of two level crossings at Alphington and Rosanna, a rebuild of the Rosanna station and the duplication of the single track between Heidelberg and Rosanna. Yet in response to a recent question in Parliament the minister stated that the Hurstbridge line upgrade was \$588 million, a whopping \$193 million more. My question therefore is: what is the true cost of the Hurstbridge rail upgrade, including the new station, the removal of the level crossings and the duplication work, and how much of the extra costs are a result of the government wanting this work completed before the election?

MAJOR EVENTS LEGISLATION AMENDMENT (TICKET SCALPING AND OTHER MATTERS) BILL 2017

Second reading

**Debate resumed from 6 March; motion of
Mr JENNINGS (Special Minister of State).**

Mr MORRIS (Western Victoria) (15:03) — I rise to make my contribution to the Major Events Legislation Amendment (Ticket Scalping and Other Matters) Bill 2017. I note that this bill changes the name of the Major Sporting Events Act 2009 to the Major Events Act 2009 and amends the act to provide for controlling the secondary ticket market for major sporting and cultural events. This secondary selling is commonly known as scalping — or rorting, and there is plenty of that going around at the moment. Previously this was just for selected sporting events. However, this bill creates a position of authorised ticketing officer, with a virtually identical role to police in monitoring and catching scalpers as they go about their actions. The bill also repeals the Tourism Victoria Act 1992 in light of the creation of Visit Victoria in place of Tourism Victoria.

Mr Finn interjected.

Mr MORRIS — It's gone, Mr Finn. That is what it says here. When thinking about scalpers one might think about the fact that it can be very hard for diehard supporters of football teams or netball teams or even, I imagine, people wanting to get into certain cultural events. Some exhibitions and the like can be exceptionally popular and can have huge lines. For example, something like the Archies — the Archibald Prize — which have been held in Ballarat on several occasions, have received huge crowds. We would not want to see that it is just those with very deep pockets who are able to go along to these things because they can pay people who have purchased these tickets in advance with the view of onselling them at quite a premium in many cases. This bill does attempt to address some of those issues that we see with scalping that happens at major events.

On the weekend in Ballarat there was supposed to be what might have been described as a major event. However, it was not as major as one might have hoped.

Mr Finn — The footy.

Mr MORRIS — You're right, Mr Finn. It was the footy. What was held in Ballarat was a football match between the Western Bulldogs and the Gold Coast Suns.

Mr Finn interjected.

Mr MORRIS — To answer your question, Mr Finn, there were 6833 who attended this event.

Mr Finn — How much did it cost the taxpayer?

Mr MORRIS — That is a very good question. How much did it cost not just the state government but also the local government? Every game of football that has been played at Eureka Stadium does cost the Ballarat council a significant amount of money.

Mr Finn — What sort of money are you talking about?

Mr MORRIS — A significant amount of money. I am not entirely sure of exactly how much it is costing the council, but I do know it is costing tens of thousands of dollars, maybe into the hundreds of thousands of dollars, when games of football are played there.

For those people who like facts and figures, we know that this crowd number of 6833 at Mars Stadium was the 16th lowest on record since 1997. That was a few moons ago. It was about 21 years ago by my count — a long while ago. And yet what we saw just prior to the

budget was the Andrews government setting aside \$500 000 for future planning at Mars Stadium — or Eureka Stadium, as it is also known. The point that needs to be made about these funds is that they must go to community sport. Rather than elite level sport, it should be going towards women's participation in football and the opportunity for further netball courts at the North Ballarat ground. There should be some facilities there to support the genuine grassroots community sporting activities that are occurring there.

I have grave concerns that the government may have plans to expand Eureka Stadium to have a crowd capacity in the vicinity of 25 000 people. The grave concern that I have is that this will not be sustainable for council to maintain. I fear that what may happen to Eureka Stadium is that it will become a white elephant, as we have seen with MADE, the Museum of Australian Democracy at Eureka, which has been closed and is going to be rebranded by the Ballarat council. Just because government moneys may be there in the offing for a project, it does not necessarily mean that it is a sustainable way for money to be spent, because when councils receive assets that are funded by either the feds or the state government and they are further handed on to the local council, they do need to maintain those assets.

As we know, in the rate capping environment that is being imposed by this Labor government it is very difficult for some councils to maintain a lot of the infrastructure that they have, including the funding and maintenance of road assets across regional Victoria, particularly western Victoria — further to the west and south-west in western Victoria — where there are masses of road networks that local councils need to maintain. They do not have the capacity in their budgets to do that, and they certainly do not have the capacity when Labor cuts \$160 million out of roads funding for regional councils. So I would caution that the expansion of Eureka Stadium to beyond its current capacity could fundamentally have a detrimental impact upon that stadium, and indeed on grassroots sports if that funding is not directed to that area.

I further note, back to the context of this bill, that Victoria was one of the first jurisdictions to have a major sporting events act — it is another area where we have led the way — which has protected our events in various ways. Of course being the home of the AFL Grand Final, which is certainly an event that is —

Mr Finn interjected.

Mr MORRIS — I will leave it to you, Mr Finn, to talk about Richmond when you have a go. The AFL

Grand Final is certainly an event that people love to be able to get to, and often being able to get tickets to the AFL Grand Final is very fiercely fought out. In my few short years I have not had the opportunity to attend a grand final, to this point. I missed the three-peat of Hawthorn. Being a Hawthorn supporter —

Honourable members interjecting.

Mr MORRIS — We've done okay. I did have a three-year-old who knew nothing other than premierships wins. He just expected that every year Hawthorn was going to win the grand final. Unfortunately that has not come to pass, and he is slowly getting over it; he is slowly getting over this. I digress slightly, but the grand final is an event which people certainly would love to be able to attend, and there is a concern in the community that it is often those who have deeper pockets, often those who are connected in other ways, who receive tickets to the grand final rather than those dyed-in-the-wool supporters who head to the football week in, week out to support their team.

I know a lady in western Victoria who attends every single Western Bulldogs match, irrespective of where it is — Perth or the Northern Territory, up in Darwin — and makes sure that she is there for every single match. I think any fair-minded person believes that these people should be able to attend as many of these types of events as they can if they are a genuine supporter who loves their football and loves their team. We want to see that these people can get to events such as grand finals and not have the tickets taken away due to corporate sponsorships or other things. It is important that we address these issues to ensure that members of the community who do hope to attend these events can.

This bill also goes further, to extend the protection of other major events. It could apply to concerts, theatre productions and other similar cultural events. This does raise a few issues, because the secondary markets not only exist in the real world but also exist in the virtual world, where you might be able to purchase tickets on eBay and the like. I further note that the authorised ticketing officers, whose role this bill establishes, will monitor websites such as eBay for scalpers and other people trying to profit from the resale of these tickets, and having them in attendance at the events that are being held — whether it be the AFL Grand Final or a concert or the like — will free up our hardworking men and women at Victoria Police for other roles. As we all know and would agree on, the hardworking men and women at Victoria Police are certainly kept very busy, what with all the home invasions, carjackings, police

car rammings and the like under this Andrews government.

This bill does go some way to addressing this issue. I do note that it is somewhat of an extensive bill, and I believe the Greens may have some amendments to it. I am yet to peruse those amendments, and I look forward to doing so when they are made available. I certainly believe it is important that we have appropriate protections for these types of actions. We do not want to see people being charged exorbitant prices for tickets, nor do we want to see the sale of tickets that are in fact forgeries. This is a larger and larger issue that is occurring nowadays.

I remember that back in my younger years you used to receive your tickets via the mail. They used to be sent to you, and you had a physical ticket. Now with the advent of digital, or soft copy, tickets one of the issues that can occur is that these tickets can be sold to multiple people, and the first person who walks through the turnstile and scans the barcode is going to be the person who gets in. People may have paid hundreds, if not thousands, of dollars for some tickets on the internet, and when they have received them they have gone to the event only to find out that their ticket has already been used, which is a significant issue and significant problem and one that certainly needs to be addressed.

It did not happen way back when, when the hard copy tickets were handed out. I note that many people still keep those tickets as a reminder of where they have been. I feel a bit sorry and nostalgic about the fact that my children, when they go to an event, get just an A4 copy printout of something. I recently took my children to the Hawthorn-Geelong game, which was a brilliant game and in which Hawthorn prevailed by a single point in the dying moments, but they will not have the printed ticket anymore. However, that is slightly off the topic. I look forward to hearing other contributions on this bill and I certainly look forward to seeing the Greens amendments, once they are available.

Ms SPRINGLE (South Eastern Metropolitan) (15:17) — I rise today to speak on the Major Events Legislation Amendment (Ticket Scalping and Other Matters) Bill 2017. I will speak first to the substantive bill and then the amendments, which I will circulate. I do apologise to Mr Morris, but my understanding is that the amendments were provided to the minister.

Mr Morris interjected.

Ms SPRINGLE — Right; very good. Thank you.

This bill has been introduced to expand ticket scalping controls primarily to non-sporting events, such as the theatre, concerts and festivals, but also to sporting events such as the AFL finals and the Anzac Day match between Essendon and Collingwood. It does this by creating a new declaration called the major event ticketing declaration, which will sit alongside the current sports ticketing event declaration. This new major event ticketing declaration will enforce controls on scalping similar to the current sports ticketing event declaration, but without the requirement for the organiser to be transparent about their ticketing allocations through the submission of an approved ticket scheme. The lack of transparency is problematic, for the reasons I will outline, and is the focus of the Greens amendments today.

The Greens support the primary purpose of this bill, which is to stamp out ticket scalping, and in that regard this bill is long overdue. Tickets for concerts, shows and football matches go on sale, sell out, and just hours later they are on sale on the second-hand ticket sites for massively inflated prices. One just has to look at the Ticketmaster resale site. Tickets for the round 1 Carlton versus Richmond game were on sale for \$228. The Greens have said that if the government did not act to include these sellout footy matches under anti-scalping laws, we would introduce our own bill. It is important that any new anti-scalping powers are used to protect footy fans at sellout footy matches. Whilst there might be a place for some onselling — for example, for those people who have bought their tickets but cannot go to a match and need to onsell their tickets — it is clear that there are people who are profiteering from sellout events through onselling tickets and ticket scalping. There is a strong, clear need to protect consumers who want to go to events that may sell out by regulating the secondary ticket market and protecting consumers.

The protection of consumers is the reason the Greens feel this bill does not go far enough. We are concerned about the failure of the bill to require event organisers and the primary ticket sellers to disclose their distribution of tickets. While there are serious issues with ticket onselling and the effects that has on consumers, there are concerns with the practices of event organisers when it comes to limiting the availability of tickets to consumers, potentially forcing them to purchase tickets at a price that is higher than it should be. So while the bill extends protections for event organisers from ticket scalping, it does not require them to be transparent about their own ticket allocation. The Greens think it is fair and reasonable that if the event organiser is receiving the protection of the state through anti-scalping laws they should be transparent to

consumers about ticket allocations and make sure there is fair access to tickets for the general punter.

Greens amendments circulated by Ms SPRINGLE (South Eastern Metropolitan) pursuant to standing orders.

Ms SPRINGLE — The Greens' amendments have sought to include transparency provisions in the current legislation but also give the minister and organisers flexibility to move quickly to bring the protections into events. To that end the key elements of our amendments are as follows. Rather than create a separate major event ticketing declaration, our amendments simply change the name of the major sporting event declaration to a major event ticketing declaration so that it can be used for a broader range of events. They do however ensure that any stronger anti-scalping protections the government proposes in this bill are carried over into the new major event ticketing declaration. They also reduce the time frames involved in submitting and approving a ticket scheme.

By way of background, currently the existing sports ticketing event declaration requires the minister to declare a sports ticketing event some nine months before the actual event. It then requires the organiser to lodge a ticket scheme which contains conditions of the sale of those tickets and disclosure of the ticket allocation among other things, which the minister will approve if it meets the requirements of the minister's sports ticketing guidelines. The government's proposed major events declaration does not include this requirement for a ticket scheme to be lodged.

The minister included three reasons for not requiring organisers to prepare a ticket scheme in his second-reading speech. He stated:

It will not be necessary for an event organiser to prepare a ticket scheme proposal. This is preferable for cultural events which often do not have a regular fixed venue, date or event organiser. Often a significant cultural major event such as a concert, theatre event, gallery exhibition or festival will be secured a few weeks or months before staging, which does not provide sufficient time to undertake the existing process under the act. In addition, ticket scheme proposals can be difficult to prepare for such events as staging or seating requirements are often modified quite close to the event.

I will address these three concerns, and in doing so I suggest that the government is at best grasping at straws to come up with these three reasons.

Firstly, for an event that does not have a fixed venue, date or event organiser there is flexibility within the ticketing guidelines for a ticket scheme to be submitted and approved and for further information to be

submitted to the minister as venues, dates and organisers are finalised. I would suggest that these events, particularly ones that do not have an event organiser, are in the minority and should not be cause to ditch the entire ticket scheme process altogether.

Secondly, to address the lengthy time lines in the current legislation our amendments mirror the current bill by scrapping the requirement for the minister to give the event organiser notice of making a ticketing declaration at least nine months prior to the event, noting that the minister can still use their discretion to give event organisers plenty of notice months in advance. We have also reduced the time frame for the minister to make the declaration and the event organiser to submit a ticket scheme from 60 days to 14 days, noting that the minister has power to extend this time under section 155 of the current act. We have reduced the time frame for the minister to approve the ticket scheme from 28 days to 14 days, again noting that the quickest way an event can be protected would be to submit a ticket scheme to the government under section 158 and have it approved within the 14-day time frame as outlined in this amendment.

Thirdly, in terms of the suggested difficulty of preparing a ticket scheme and problems faced by modifying seating close to the event, given that ticketing arrangements and allocations would be extensively canvassed by the organiser itself prior to the tickets going on sale, the current ticketing guidelines require an organiser to answer questions under five sections, covering topics such as ticket allocation and the control of tickets. Given that many of the questions would already have been canvassed by the organisation itself prior to the tickets going on sale it is not the administrative burden that the minister would suggest. Further, there is scope within the ticketing scheme for the organiser to be flexible about ticket allocations and there is the ability for the organiser to provide a change to the ticket scheme to the minister in writing.

Finally, ultimately the decision to approve a ticket scheme rests with the minister, and the content of the ticketing guidelines on which the ticket scheme must be based is up to the minister. If the government feels the requirements of the ticket scheme are too onerous, it has the ability to change those requirements by gazetting a new ticketing guideline.

I would also briefly like to touch on some other ticketing issues not covered by this bill, and the first is the grand prix. Some \$60 million a year is spent on the grand prix and over \$1 billion will be spent on it over the lifetime of the contract, yet the government and the Australian Grand Prix Corporation refuse to make

public an accurate attendance figure. The reasoning given is that it would be difficult to install equipment for this to occur.

Mr Dalidakis — Heaps — heaps of people.

Ms SPRINGLE — Nonsense, Mr Dalidakis. Every year Albert Park becomes a construction site as grandstands and facilities are built to host the grand prix. To suggest that it would not be possible to install turnstiles that count attendance is simply not true. The real reason, of course, is that the government do not want people to know just how poorly the grand prix is attended and how little value for money it actually is. Instead they want to rely on inflated estimated attendance figures. I note that the grand prix has never been covered by existing anti-scalping legislation, and it will be interesting to see if the organiser seeks to have it covered by this new declaration, which would of course not require it to be transparent about its ticketing allocations.

The second issue I would like to talk about is the ticketing of the AFL Grand Final. The Greens introduced a bill last year that would have lifted allocation of the grand final tickets to competing club members to at least 50 per cent. The ticket allocation in the grand final creates an environment for ticket scalping to flourish, where those fans who pay year in, year out miss out on tickets or are forced to buy expensive corporate tickets or go onto the black market. No other party supported that bill. They did not stand with the fans over the corporates, as the Greens did. We did, however, extract a concession from the AFL of 4000 extra tickets for competing club members to the grand final.

To conclude, the Greens support the strengthening of anti-scalping measures as contained in this bill. We are moving to further strengthen fair access to tickets for consumers by increasing the transparency requirements for event organisers to detail where the tickets are going and how they are ensuring fair access to tickets. We sought to maintain a balance of flexibility within our amendments to ensure fair access to tickets for consumers and to ensure that, if required, events can quickly be declared and receive the anti-scalping protections. I seek the house's support for our amendments.

Mr FINN (Western Metropolitan) (15:28) — I rise this afternoon to speak on the Major Events Legislation Amendment (Ticket Scalping and Other Matters) Bill 2017. I first and foremost raise the issue of the change of name of Tourism Victoria in this legislation, because the Tourism Victoria Act 1992 is being repealed by this

legislation in light of the creation of Visit Victoria. I have no idea at all why you would need to change the name of Tourism Victoria to Visit Victoria, but that is the way the government has gone, and I think it is rather sad, to tell you the truth.

Going back to the 1990s, I was heavily involved in the tourism side of the Kennett government. I recall that under Pat McNamara, the minister for tourism in those days, the Kennett government appointed the Tourism Victoria board. We put in place the Jigsaw promotion, which I think was pretty much regarded as a world-leading campaign — 'You'll love every piece of Victoria'. I am sure everybody is very familiar with that campaign. I think to a certain extent it is still going almost 25 years later. That is how effective it was. As to why we would need to change the name of Tourism Victoria or indeed to abolish Tourism Victoria, that is beyond me.

Of course Melbourne is the major events and sporting capital not just of Australia but some might even say of the Southern Hemisphere — possibly even the world, some have gone as far as saying.

Mr Ondarchie interjected.

Mr FINN — I am not quite sure about that; we have not got that far, Mr Ondarchie. I must find time to pay tribute to somebody who made a huge contribution to the major events side of Melbourne, somebody who really put Melbourne on the map in terms of major events, and that was Ron Walker. He was somebody who gave up his own time quite freely and enthusiastically in order to bring major events to Melbourne, one of those of course being the Melbourne grand prix, which we all look forward to every year. I cannot help but think when I think about major sporting events that Ron Walker is somebody we must indeed hold an eternal debt of gratitude to. He was somebody who made a huge contribution to Melbourne, particularly to tourism and major sporting events. I think it is important that we pay tribute to Ron Walker at every opportunity when we are talking about these sorts of things.

This legislation is interesting because Victoria was one of the first jurisdictions to have a Major Sporting Events Act which protected our events in various ways, including protection from ticket scalping. Scalping is not a lot different from rorting, except scalping is where you are just ripping one person off, whereas rorting means you are ripping a lot of people off, and we have seen a bit of that around government circles over recent times. Previously this act was just for selected sporting events. It creates a position —

Mr Mulino — Do you need to define ‘lying’ for the chamber?

Mr FINN — I think, Mr Mulino, if you want to define ‘lying’, perhaps you should go back to your Premier and ask him about the red shirts and the rorting and the ripping off of the Victorian taxpayer. Perhaps you could ask him about that, because a lot of Victorians want to ask him about that.

The ACTING PRESIDENT (Mr Elasmarr) — Order! Mr Finn, through the Chair.

Mr FINN — I am sorry, Acting President, but that is the simple fact of the matter. I can understand why members of the government are so sensitive, because they have been caught out. We heard Mr Jennings during question time saying how sorry he is. We know what he is sorry about. He is sorry because they got caught. That is why he is sorry. They tried to rip the taxpayer off. In fact they did to an extent. We are still waiting for the repayment of over a million dollars in legal fees. Of course I do not think the taxpayer will ever see that money again. That is rorting. This government knows all about rorting and the connections with scalping.

The ACTING PRESIDENT (Mr Elasmarr) — Order! I think you are going overboard, Mr Finn. Let us get back to the bill.

Mr FINN — Certainly, Acting President. Scalping is emotionally an abhorrent practice. I have heard the argument put to me that we live in a free market economy: ‘If I buy these tickets for \$100, I have the right to sell them for whatever amount that they can be sold for to whoever is prepared to buy them’. I can understand that argument, but emotionally I find it quite abhorrent, I have to say.

This bill extends the protection that I mentioned before to other major events, such as events as selected by the Minister for Tourism and Major Events, and that might apply to a concert, a theatre production or similar large cultural events. The bill also has provisions to appoint authorised ticketing officers to monitor websites, like eBay, for scalpers or for people trying to profit from the resale of purchases and to have them in attendance at events. Of course that frees up police to do other roles, and we know that the police are under a great deal of pressure in terms of their term, in terms of their resources and in terms of their authority to actually do their job. In terms of freeing up the police, this bill has to be a very good thing indeed.

As I was saying before, Melbourne is certainly the Australian capital of major events and major sporting

events. Having such a magnificent stadium as the Melbourne Cricket Ground is something that I am sure every Melburnian is very proud of indeed. I have been a regular attendee at the MCG for many, many years, and of course it was —

Honourable members interjecting.

Mr FINN — Look, I’m not listening to that boofhead over there, so I’ll just keep talking. The MCG is something very, very special to Melburnians, and it certainly is something that is very, very special to me.

Mr Dalidakis interjected.

Mr FINN — This rorter and cheat over there perhaps should pull his head in.

Honourable members interjecting.

Mr FINN — Were you in on the caper as well? Did you rip people off? Did you cheat? Did you lie?

The ACTING PRESIDENT (Mr Elasmarr) — Minister, you are not helping. Mr Finn, through the Chair. Are you finished?

Mr FINN — No, not at all. Thank you, Acting President. As I said, I find rorting — sorry, not rorting but scalping; for some reason I have rorting on my mind when I look across at the other side of the chamber — abhorrent. One thing that absolutely baffles me is that we have a situation where the Australian Football League quite openly advertises its services for two, three or four times the price that is on its tickets. That would have to be illegal scalping, in my view, but apparently they are licensed to do that so that is fine. I do not see the difference between somebody standing outside the MCG and selling a ticket for 10 times the ticket price and the AFL doing the same thing. I do not see the moral difference there, but apparently the AFL is happy to do that.

The bill itself refers to a number of very important —

Honourable members interjecting.

Mr FINN — Acting President, I am having real difficulty hearing myself at the moment due to the cackle of baboons carrying on over there.

Ms Crozier interjected.

Mr FINN — I am not sure what the collective noun is. A Labor Party of baboons it may well be, Ms Crozier.

The ACTING PRESIDENT (Mr Elasmarr) — Mr Finn is entitled to be heard in silence. Mr Finn, back to the bill.

Mr FINN — Thank you. It is worth pointing out that one of the events where scalping is prevalent is the AFL Grand Final. I just want to make it very, very clear that I did pay for my ticket and my daughter's ticket to the grand final last year, and it was worth every cent. I think the way things are shaping up it will be worth every cent again this year. Interestingly enough some people who talk about the needs of football supporters just slip into super boxes. Ms Springle might know if anybody in the Greens took advantage of having friends in high places and slipped into a super box for the grand final and did not pay for their own ticket. That is something that you come to expect.

I feel very sorry for those who do miss out on grand final tickets. I have been in that situation in years gone by.

Honourable members interjecting.

Mr FINN — Acting President, these clowns over there really should go and stick their heads in a bucket of water.

Honourable members interjecting.

The ACTING PRESIDENT (Mr Elasmarr) — Before you continue, Mr Finn, I expect from the government side no interjections and I expect Mr Finn to talk on the bill, but government members are not allowing him to do so.

Mr FINN — Thank you, Acting President. As I said, I feel very sorry for those who find themselves, as happens every year, in a situation where they have gone to every game that year but have not been able to get a ticket for the grand final. At the preliminary final last year there were some 95 000 people, about 94 000 of them Richmond supporters. After we knocked off Greater Western Sydney many tens of thousands of people were excited about the grand final that was coming up the following week, but I had the sad knowledge, from my perspective, that most of them would not be able to get in. That was a bit of a dampener for me, I have to say, because I have been in that situation myself.

Whilst I was not in that situation last year, I certainly had been in years gone by. Indeed I missed the last time Richmond won the grand final, in 1980, some many, many years ago, as a result of not being able to get a ticket. It is a bit rough for people who love their game, who love their footy, to miss the grand final purely

because there are not enough tickets available. With Richmond it is very difficult because we have some 90 000-plus members now. When you have got a ground, although it is the biggest ground in Australia, that can only hold a little over 100 000 people, having 90 000 members makes it very, very difficult to ensure that each of them can get in to the biggest game of the year.

The opposition does not oppose the bill. Indeed we support Melbourne's status as a world leader in major sporting events — major events full stop — and certainly wish those involved in the tourism industry and the major events industry all the very best for many, many years to come.

Ms CROZIER (Southern Metropolitan) (15:43) — I am pleased to follow on from Mr Finn's excellent contribution in relation to the legislation we are debating today, the Major Events Legislation Amendment (Ticket Scalping and Other Matters) Bill 2017. According to the information that I have in relation to what this bill will do, it will change the name of the Major Sporting Events Act 2009, amend the Major Sporting Events Act 2009 to provide for controlling the secondary ticket market for major sporting and cultural events, repeal the Tourism Victoria Act 1992 and make transitional arrangements. Basically ticket scalping is what this bill addresses —

Honourable members interjecting.

The ACTING PRESIDENT (Mr Elasmarr) — Order! Thank you. The member to continue.

Ms CROZIER — We are talking about a pretty simple bill here, yet we have interjections by a senior member of the government on the most inane —

Honourable members interjecting.

Ms CROZIER — I will say it again: we are talking about a fairly simple bill on ticket scalping. What that means is the ripping off of an individual who is buying a ticket to an event here in Melbourne. We have many events that we are very proud of, including the AFL Grand Final, as Mr Finn highlighted in his contribution. That is a massive event that brings people from around the state and around the country in their thousands. It provides just such an extraordinary cultural and sporting activity for this state. There is nothing like it in the world. I will reflect on just the last few weeks and the Anzac Day game between Collingwood and Essendon, an iconic day where you had total silence around that ground when that game started. It is quite magnificent to be able to go to a game like that. I am a Geelong supporter; I do not barrack for Collingwood,

Essendon or, dare I say it, Richmond, but you go to those games, and especially on Anzac Day and during the grand final the entire arena, the stadium, is absolutely spellbound by what is about to happen. The atmosphere is quite electric. It really is a huge credit to all involved to bring on such sporting events. You want people to be able to go to an event like that and be able to pay their way in a legitimate manner.

While I am talking about that, we have so many other sporting, cultural and theatrical events that occur in Victoria each and every year. As I said before I was interrupted by those opposite, this bill does a few simple things to ensure that we get these scalpers out of the system. They are ripping off the consumer. I note you, Mr Finn, made mention of rorting. It is pretty similar — ripping off the consumer or rorting the system. It is taking advantage of someone and should not be allowed to occur. Clearly we have seen that in a systematic way under this government. We all know that, and it is in the papers again today.

But I return to the bill. Scalpers have effectively been operating for far too long. What this bill will do is bring them into line. There will be new authorised ticketing officers acting a bit like police officers, I am led to understand, who will be able to monitor various aspects in relation to the selling or reselling of tickets. In saying that, there are probably a few concerns around how that will be monitored and undertaken and how they will actually be able to identify what will now be illegal activities. The section in the bill that highlights this particular area provides that the authorised officer must believe on reasonable grounds that scalping activity is occurring or that someone is about to commit an offence. That will be very difficult to monitor and will be something that the government and others will have to monitor as this piece of legislation is implemented.

As Mr Finn reminded me, some very notable events occur throughout this state. He referred to the late Ron Walker's passing and the legacy that he left this state. If I can reflect on what Ron Walker brought to the state, in a bipartisan manner he acted on behalf of Victoria and all Victorians in promoting what we have to offer to the world. He did that with such grace and such commitment that I think his legacy is one that we and all future generations will benefit from. I will just reflect on some of the things that Ron Walker did when he was part of the Victorian Major Events Company. As announced by the shadow Treasurer, Michael O'Brien, last Friday, I am pleased to say that an incoming Liberal-Nationals government will reinstate the Victorian Major Events Company, which was scrapped by this current government. It was an extraordinary decision to place it within Visit

Victoria — yet another bureaucracy, yet another effort to try to blow the public sector pool of employees, which they are very good at doing, as we saw in last week's budget.

Nevertheless I go back to the legacy of the late Ron Walker. He was responsible for bringing in the Formula One Grand Prix, White Night, the Presidents Cup, Liverpool Football Club versus Melbourne Victory at AAMI Park, the Melbourne Winter Masterpieces at the National Gallery of Victoria, the Grace Kelly exhibition in Bendigo, State of Origin rugby league at the MCG, the Cadel Evans Great Ocean Road Race, *Wicked* and *The Book of Mormon*. Those are just a few of the extraordinary events that were secured and brought to this state, with huge benefits for all involved. It is an extraordinary legacy and an extraordinary variety of theatre, sporting and cultural activities not only for metropolitan Melbourne but also for the regions.

The Grace Kelly exhibition in Bendigo was a wonderful exhibition, which I had the privilege to go to. I took my family to see it. It was just wonderful and something I will not forget. Likewise White Night — what an extraordinary vision to have. A huge number of people come into the city centre to see that extraordinary transformation of buildings and precincts around the city and surrounding areas. It shows extraordinary ability to put that technical lighting together and provide such an extraordinary display of art, graphics and theatre. All those aspects come with White Night. There are many things that we can be proud of. In actual fact many of them are happening in Mr Dalidakis's and my electorate, including the grand prix, as I said, and the National Gallery of Victoria's Winter Masterpieces. All of those things bring great benefits.

Nevertheless this bill looks at scalping, which is already banned, and puts a 10 per cent margin on those who are already making a profit. That will have to be monitored, as I previously mentioned.

The other area that we need to look at is the focus of this government on pouring huge amounts of money into the AFL, where a lot of ticket scalping occurs. There have been recent government announcements such as putting hundreds of millions of dollars into Etihad Stadium to set up a ballroom so that we can hold the Logies there, but that money does not go into grassroots sporting facilities. I know in my area many local community sporting groups have a real concern about this. Local councils have put caps on the number of young people who can take part in these sporting activities, and that is a real concern. We need more grassroots courts, sporting fields and ovals so that we

can get more young people and others receiving the benefits of playing sport. I think it is very disappointing that the government's focus is largely concentrated on the AFL, which makes a huge amount of money and has benefited significantly from the Victorian community and interstate football-goers over recent years.

Other areas that have been raised in relation to this bill include, I understand, that the word 'printed' will be changed to 'displayed' in reference to prices on tickets, given that tickets are not always printed by the promoter. Now that we are using technology devices like smart phones and other things, that matter has been taken into consideration.

Clause 10 of the bill changes the illegal activity from selling five or less tickets above face value to selling them for a price that exceeds their face value purchase price by more than 10 per cent, as I have previously referred to. Clause 11 is similar to clause 10, but it applies to the sale of six or more tickets. I have already mentioned the authorised ticketing officers, which is similar to a policing component. I think that will have to be monitored, as I have said previously.

In relation to other areas of the bill, I will not go through them in detail but I will say that, as Mr Finn and others have said, the opposition will not be opposing this bill. I note that some areas will have to be monitored as the bill is implemented. I do hope that those scalpers who have ripped off everyday Victorians and others who want to attend sporting events and other activities can be cracked down on. That can only be a good thing for the sporting community and the other activities that this state has to offer in relation to providing entertainment across various areas.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr ONDARCHIE — Minister, through the course of this debate, that has gone on for several weeks now, there was some advice provided to us about some government amendments to this bill. Can I ask where they are?

Mr DALIDAKIS — The amendments are in the same place as the ones you said in *Hansard* on 6 March that you would be circulating. We are not moving

amendments, so they are in the same place as the amendments that you said on 6 March in *Hansard* you would be moving.

Mr ONDARCHIE — Minister, why were these government amendments not tabled, as you had already indicated they would be?

Mr DALIDAKIS — There is no need to talk about amendments that we are not moving.

Mr ONDARCHIE — Minister, was the industry consulted in the preparation of this bill?

Mr DALIDAKIS — Yes.

Mr ONDARCHIE — Minister, were any promoters involved in helping to advise the government on the drafting of this bill?

Mr DALIDAKIS — I am happy for you to expand on what you believe a promoter is to provide some kind of definitional understanding.

Mr Ondarchie interjected.

Mr DALIDAKIS — I am asking for your definition of what you think a promoter is. It is pretty simple.

Mr ONDARCHIE — I find it quite curious that the minister has asked me to explain his own bill to him.

Mr Dalidakis — No, that is not what I said.

Mr ONDARCHIE — Nonetheless, if we need to hold the government's hand and walk them through their own bit of legislation, then let us do that.

Mr Dalidakis — Let me explain to you the definition of a liar.

Mr ONDARCHIE — Have you been drinking at lunchtime? Have you been on the grog? Are you drunk again?

Mr Dalidakis — Somebody that holds a prayer vigil, puts his hands together and prays in the chamber. You're a disgrace.

The ACTING PRESIDENT (Mr Elasmr) — Order! Minister! I do not think this has anything to do with the bill. Mr Ondarchie, you asked the minister a question and he responded. If you are not happy with the response, I cannot force the minister to respond in the way you would like. I ask you to ask another question if you are not happy.

Mr ONDARCHIE — Thank you. Further to my last question, when the minister asked me to explain what a promoter is, this is the Major Events Legislation Amendment (Ticket Scalping and Other Matters) Bill. Some of these major events are organised and run by promoters who promote these events. So my question is: quite simply, Minister, were there any promoters involved in helping to draft this bill?

The ACTING PRESIDENT (Mr Elasmr) — Minister, would you like to add anything?

Mr ONDARCHIE — Was the answer no? You are refusing to answer.

Mr DALIDAKIS — No. I have said that we consulted with stakeholders.

Ms Crozier — You refuse to answer.

Mr DALIDAKIS — That is not true.

The ACTING PRESIDENT (Mr Elasmr) — Mr Ondarchie, the minister has answered before and does not want to add anything.

Ms Crozier — On a point of order, Acting President, I note the stance of Mr Dalidakis. Mr Ondarchie has every right to ask questions in a committee stage. His extraordinary attitude in relation to —

Mr Finn — Belligerent.

Ms Crozier — Yes, to what is being asked I think needs to be addressed. I am not sure if Hansard got his answer to the valid question that Mr Ondarchie asked. I would ask you to ask the minister to respect the process and answer the questions accordingly.

The ACTING PRESIDENT (Mr Elasmr) — There is no point of order, Ms Crozier. Mr Ondarchie has put a question and the minister has answered. I cannot force the minister.

Mr ONDARCHIE — Minister, can you outline to the house who in the industry was consulted in the construction of this legislation?

Mr DALIDAKIS — I am happy to do this all day and all night. The government consulted with a large number of stakeholders. I have already provided that as an answer to the member. I continue to provide that answer. In fact we have consulted very widely. Again, there is nothing further to add. That answer has been provided now three consecutive times to questions, and I can do no more.

Mr ONDARCHIE — I pretty well accept that you can do no more. Minister, my question was not how widely the government has consulted; my question was specifically: who did you consult with?

The ACTING PRESIDENT (Mr Elasmr) — Minister, no further comment? Thank you.

Mr ONDARCHIE — Minister, why has the government not taken this opportunity to legislate against the bot software used to mass buy tickets upon release?

Mr DALIDAKIS — In relation to the member's question I am advised that a letter has been sent to the federal minister, Minister Ciobo, in relation to this specific issue asking for the federal government to provide carriage of this in order to both ensure that there is continuity in dealing with the issue but also ensure that because of the carriage of the service there is federal intervention accordingly.

Ms CROZIER — Minister, I want to follow up on a line of questioning that Mr Ondarchie led with. Can you provide me with the names of those who you consulted with in relation to the stakeholders for advice on this bill?

Mr DALIDAKIS — I am not in a position to provide the names of individuals. That would require us to speak with those stakeholders and put those names forward to you. What I can tell you is that in fact over 70 people were consulted across the industry, including promoters.

Ms CROZIER — Thank you for that answer, Minister. If you cannot provide the 70 stakeholders, I would ask you to take that on notice and provide it to the committee at a later stage.

Mr DALIDAKIS — I am happy to take that on notice.

Mr FINN — Minister, this bill abolishes Tourism Victoria. Why?

Mr DALIDAKIS — What I can say to the member is that Tourism Victoria was a statutory authority or agency. Visit Victoria is set up as a private company, a proprietary limited company, so they are separate bodies. By the way, Visit Victoria of course incorporates the old Victorian Major Events Company, which was also a private company. That is the reason for the course of action.

Mr FINN — Thank you for that answer, Minister. Does that mean, given that Visit Victoria is a private

company, that the government now has no say in the promotion of tourism for Victoria either interstate or overseas?

Mr DALIDAKIS — No.

Mr Finn — No?

Mr DALIDAKIS — No. No to your question. The question you put — the answer is no. You said, ‘Does that mean that the government is not in a position to support advertising?’. I said, ‘No’.

Mr Finn — No, I did not say that at all.

Mr DALIDAKIS — That is what your question was.

Ms CROZIER — Minister, thank you for the undertaking in relation to getting me the names of the various stakeholders. I am wondering — you have a number of advisers over there so I am sure they would be able to assist you — could you give me a breakdown of those 70 stakeholders as to what numbers came from the sporting sector and how many came from the arts and cultural sector? Who did you consult with? Were any of them international or interstate, or were they all Victorian stakeholders that were consulted with?

Mr DALIDAKIS — Thank you to the member for their question. As I have indicated, obviously I have taken the previous question on notice. My understanding is that, having taken that on notice, that will give you a breakdown, as well, of the information that you have asked for. It was, as I am advised, an exhaustive consultation process for over 12 months and stakeholders were consulted in all of the areas that you mentioned as well.

Ms CROZIER — Thank you for that clarification. I am sure the advisers do have the list of stakeholders there in the speaking notes, so I am hoping we can have that list prior to the conclusion of the committee stage. Would that be possible, Minister?

Mr DALIDAKIS — I need to consult with the minister himself. I need to take advice from the minister in relation to that and also to find out whether or not the minister is in a position to undertake discussions with each and every body that they have had those consultations with and of course seek their agreement for their details to be provided to you. So it is not as simple as me simply leaning over the box to get a piece of paper for you. I have accepted that I will take it on notice. That is what I will do. I have agreed to speak with the minister. That is exactly what I will do, and I will endeavour to do that as quickly as I can.

Mr FINN — I am still a little bit confused, if not concerned, by the minister’s last response to me. As the minister I am sure would be aware, as I am sure you are very much aware, Acting President, in Western Metropolitan Region there are a number of tourism precincts. The Werribee tourism precinct springs to mind immediately: Werribee Mansion, the rose garden, the equestrian centre and the Werribee Open Range Zoo, which is one of my favourite places to go. My children love to go to the open range zoo. If you have not been, it is really worth a trip down there. And of course over on the other side of Western Metropolitan Region we have the Sunbury wineries, which are also a treat. I could probably put in a plug for the Carmody’s at Craiglee who produce a sensational —

Mr Ondarchie interjected.

Mr FINN — Not Gary; he is Pat. Yes, Pat and Diane. They produce a sensational shiraz, let me assure you. Nonetheless, Tourism Victoria was responsible for the promotion of a wide range of tourism destinations in Victoria, including those ones that I mentioned in Werribee and of course the ones that I have also thrown in there in Sunbury. We could talk about the rest of the state, but perhaps we could get to that another time — the Great Ocean Road, Bendigo, Ballarat, Sovereign Hill, a whole range of areas that were promoted by Tourism Victoria. With the abolition of Tourism Victoria, what role will the government have in the promotion of tourism destinations within Victoria if this legislation is passed?

Mr DALIDAKIS — As I have indicated to the member previously, Visit Victoria.

Mr FINN — Minister, you have previously told me that Visit Victoria is in fact a private company and not a government instrumentality, not in any way like Tourism Victoria. So I ask again: what role will the government play, if this legislation is passed, in the promotion of tourism destinations in Victoria, given that Visit Victoria, as you say, is a private company? I am asking about the role that the government will play, if any, in the promotion of Victorian tourism destinations.

The ACTING PRESIDENT (Mr Melhem) — Minister, anything further?

Mr DALIDAKIS — Answered already.

Honourable members interjecting.

The ACTING PRESIDENT (Mr Melhem) — Mr Finn, I ask you to withdraw.

Mr Finn — I withdraw, but very reluctantly.

Mr ONDARCHIE — Minister, in response to a question asked by Ms Crozier not too many moments ago you indicated to the house that the consultation has been far and wide and extended for over 12 months. Minister, this bill was introduced into the Legislative Assembly on 27 November 2017. Is your advice to the house that consultation has extended before or since 27 November 2016?

Mr DALIDAKIS — As I indicated earlier to the member, consultation has gone on for some 12 months by the minister and his department, his people. The fact remains that when legislation is introduced to this Parliament it is done on the back of significant amounts of work, and consultation does not often begin just at the time that you introduce legislation either into this place or the other house. That is why I was confident to be able to tell you that consultation has been ongoing for 12 months with, as I indicated to Ms Crozier, 70 different stakeholders across a wide range of both organisations and sectors within the industries.

Mr ONDARCHIE — Thank you, Minister. I am not quite sure if you were listening to the question. My question was around October 2016 or November 2016.

Mr Dalidakis — You said 17.

Mr ONDARCHIE — Clearly, Minister, you are not listening.

Mr Dalidakis — You said 17.

Mr ONDARCHIE — I do not know if you have been on the sauce at lunchtime.

Mr Dalidakis — Acting President, I ask that he withdraw.

The ACTING PRESIDENT (Mr Melhem) — Order! Mr Ondarchie, before we get into debate, I think you did say 2017. I heard that as well.

Mr ONDARCHIE — I said two things, Acting Chair.

The ACTING PRESIDENT (Mr Melhem) — Maybe we can check *Hansard* if you want.

Mr ONDARCHIE — I said the bill was introduced in November 2017. Did consultation take place, as the minister said, 12 months earlier to October 2016? That is what I asked. That is what I am asking and that is what I am looking for a response to.

Mr Dalidakis — On a point of order, Acting President, I ask for the member to withdraw.

The ACTING PRESIDENT (Mr Melhem) — Withdraw which bit?

Mr Dalidakis — The allegation that he made. While the microphone was on he indicated and suggested that I am drunk, and I ask him to withdraw.

Mr ONDARCHIE — I said no such thing.

Mr Dalidakis — You did so. You asked if I am on the sauce. Withdraw, or I am calling in the President right now.

Mr ONDARCHIE — I did not use the words ‘Are you drunk?’ — I did not.

Mr Dalidakis — You did not. You said, ‘Are you on the sauce?’.

Mr ONDARCHIE — If having sauce offends you, I withdraw.

Mr Dalidakis — No, unconditionally.

The ACTING PRESIDENT (Mr Melhem) — Order! Minister, I have not given you the right to speak yet. Mr Ondarchie, can you repeat what you just said about the withdrawal because I could not hear you.

Mr ONDARCHIE — I said, ‘If having sauce offends you, I withdraw’.

The ACTING PRESIDENT (Mr Melhem) — Thank you for that, and if that is accepted then, Mr Ondarchie, back to your question.

Mr ONDARCHIE — Thank you. Minister, you said that you were going to take on notice the amount of consultation and who you have been consulting with as a result of this over 12 months of consultation. Minister, maybe I could help you with some of that in response to your answer, because I am certain the government would not want to suspend proceedings on this bill while we receive your advice. I am pretty sure you would like to keep going. So, Minister —

The minister is not here, Acting President, so I cannot really ask him. I have not asked a question so I do not know what he is seeking advice on.

The ACTING PRESIDENT (Mr Melhem) — Continue with your question, and I think he should be prepared to answer.

Mr ONDARCHIE — I will wait for him to come back. Given that the minister was at the advisers box, I am just wondering if he wants to update us with any information before I proceed with my next question.

The ACTING PRESIDENT (Mr Melhem) — Continue with your questioning, Mr Ondarchie.

Mr ONDARCHIE — Minister, I am not sure if you were listening when I was asking this next question. It relates to the advice that you wanted to take on notice and come back to us on at some point about who you consulted with, but I may be able to help you with this. Minister, as part of the ongoing consultation that you said took over 12 months and was very wide and intense, did you consult with 4-D International Pty Ltd, the promoter?

Mr DALIDAKIS — As I have indicated to a number of members on the other side of the chamber, regardless of what stakeholder names they wish to try to pursue, we would need to speak with those stakeholders given that that information is not publicly available, and I would need to confer with both the minister and with the stakeholders themselves to establish that they are happy to have their details released publicly. This is not something that I am able to pursue at this point in time. I have said to Ms Crozier that I will take that on notice. That is what I said I will do, and that is what I will do.

Mr FINN — Following the minister's response to my previous question, I would like him now to officially confirm that the Andrews government has washed its hands of the promotion of tourism destinations in Victoria.

Mr DALIDAKIS — I never said anything of the like. Mr Finn has form in this chamber in lying before this place. He has form in misrepresenting people and misrepresenting statements. He has form in coming into this chamber and telling people how ill he would be working on Good Friday and then miraculously reappearing. This is a man —

Mr Finn — On a point of order, Acting President, I do not know what the hell this has got to do with the legislation before the house.

Mr DALIDAKIS — 'Hell' — that's where you'll be going.

Mr Finn — That's where you're going, son. That's where you're going, let me tell you.

The ACTING PRESIDENT (Mr Melhem) — Order!

Mr DALIDAKIS — 'Hell' — interesting use of phrase.

Mr Finn — In fact you might already be there.

Mr DALIDAKIS — We do not have hell in Judaism.

Mr Finn — You might already be there, sitting over there with all your crooked mates.

The ACTING PRESIDENT (Mr Melhem) — Order! Mr Finn! If we want to continue this debate, I am happy to start ruling on these matters, but I think both sides need to take some stock and start getting back to the purpose of the bill and asking questions instead of talking about personalities — and I say that to both sides. Mr Finn, if you have got a point of order, you had better stick to the point of order.

Mr Finn — He was answering my point of order, I thought.

Mr DALIDAKIS — I was in the middle of answering the question.

Mr Finn — I will have a point of order, because Mr Dalidakis was using — and I thought you might have picked this up, Acting President — some pretty unparliamentary terms there. I bring that to your attention. I know he will not stop, but it might bring it to your attention so that you can keep an eye on it in future.

The ACTING PRESIDENT (Mr Melhem) — I did say when I was on my feet that I expect everyone in the chamber to stick to the terms of the bill and move away from personal commentary and insults. Minister, I ask you to respond to the question from Mr Finn.

Mr DALIDAKIS — Thank you, Acting President. As I have indicated on more than one occasion, Visit Victoria is now the entity responsible. Yes, it is a company limited by guarantee, a private organisation for want of a better term. The board members are appointed by the government. The board then appoints the executive team. The executive team or the chief executive then appoint staff. We have not washed our hands of it. It is a different vehicle. Did the Melbourne Major Events Company wash its hands of attempting to get events into Victoria because it was a private company? Not at all. Does Federation Square wash its hands of its responsibility of working in the public good? No, not at all. So again I refer back to the fact that I have said on numerous occasions that Visit Victoria is responsible. Now, Mr Finn might like to try and spin that any way he can. Mr Finn might like —

Ms Crozier — You're the guys who are spinning it.

Mr DALIDAKIS — I will take up that interjection from Ms Crozier, because there are three members of the opposition sitting here, one who refuses to say whether she participated in Damien Mantach's material —

Ms Crozier — On a point of order, Acting President, this senior minister is seriously out of control. What on earth has that got to do with this bill? He is just pathetic, and I ask you to ask him to withdraw those ridiculous comments. If he has got nothing to do or nothing to say, get a minister in here who can answer some questions.

Honourable members interjecting.

The ACTING PRESIDENT (Mr Melhem) — Ms Crozier, you just asked me to rule on your point of order, and I was about to ask the minister to withdraw.

Ms Crozier — And I still ask you to.

The ACTING PRESIDENT (Mr Melhem) — Well, I ask you to withdraw your last comment, and I ask both parties to stop making individual remarks and insults. If those parties are not able to do it, I am happy to call the President to start chucking people out. I ask the minister to withdraw the comment in relation to Ms Crozier, and I ask Ms Crozier also to withdraw her last comment that included the word 'fool'.

Ms Crozier — I am happy to withdraw my comments around Mr Dalidakis being a fool.

Mr DALIDAKIS — Withdrawn.

The ACTING PRESIDENT (Mr Melhem) — Thank you. Before we resume, I urge all members to stick to the bill and ask questions relating to the bill and move away from personality matters.

Mr ONDARCHIE — Minister, apropos of your earlier comments to Ms Crozier regarding the consultation that allegedly took place by the government with the industry, I ask: did the government consult with Abstract Entertainment Pty Ltd, a promoter?

Mr DALIDAKIS — I have already indicated that it is not my purview to announce which companies were consulted with on the basis that we would need to undertake a range of actions including consultation with them to confirm that they would be happy for their names to be disclosed. This was not an open consultation process where submissions were provided

that we can easily look at on a website, so I am not in a position to reveal those stakeholders or release that information without their approval. I said to Ms Crozier that we will take it on notice, and I will have that discussion with the minister in the other place. I can do no more than that at this stage.

Mr ONDARCHIE — Minister, are you able to confirm if the advisers have the list of the 70 organisations that you said have been consulted with?

Mr DALIDAKIS — Asked and answered.

Mr ONDARCHIE — In fact it was not, Acting President. I have not asked him for the list; I have just asked: do the advisers have that list? Does it exist?

Mr DALIDAKIS — It has got nothing to do with the legislation.

The ACTING PRESIDENT (Mr Melhem) — Thank you, Mr Ondarchie. The minister is basically saying he has answered the question. I cannot force him to give you a particular answer.

Ms CROZIER — I am sorry to labour the point, Minister, but I asked about the 70 stakeholders that you, and I quote, had 'exhaustive consultation' with over a 12-month period. There are four advisers sitting over there. You have said the minister has to disclose these names. Could you explain why there is no list or there is no breakdown of the various sectors that I have previously asked for, which is what Mr Ondarchie is also asking for —

Ms Symes interjected.

Ms CROZIER — No. Could Mr Dalidakis or his government provide us with what we are asking for if you did consult? You are making me doubt whether you did actually consult with 70 stakeholders. Does the list exist? If it is so obvious to everyone, why won't you provide it to us?

Mr DALIDAKIS — I understand that sadly for Ms Crozier in the last term of Parliament she did not get the opportunity to be a minister, but it is the minister's call, not the staff's. Staff report to the minister. Ms Crozier can reference the advisers in the box, but under the Westminster system — some people do not even acknowledge the Westminster system we work in — the ministers are responsible and the staff work for the minister. The minister is responsible of course to the people, who make a decision at an election. I have indicated to Ms Crozier and I have indicated to her colleagues time and time again that we

will take this on notice. There need to be a range of actions undertaken prior to us being in a position to provide the names that Ms Crozier is seeking. They can continue to ask these questions. In good faith I have said I will take it on notice and speak to the minister in the other place. I can do no more than that, and if you continue to ask these questions, I will continue from now to say, 'Asked and answered'.

Mr ONDARCHIE — It is no surprise that when this minister is responsible for a bill in this place they get somebody else to do it. Minister, we have asked a number of questions of you today, all of which you have not been able to give full responses to or you have taken on notice because you need to check — not with the advisers, but with the minister himself — to try to validate some of the things we have asked of you. So I move:

That the Acting President report progress and seek leave to sit again.

This is to allow the minister to explore at least the questions we have asked already so we can get some answers to try and pursue this legislation.

Mr FINN — I support the motion being put forward by Mr Ondarchie. I think it is important that we are in a position in this committee stage to get some answers. At this point in time the minister does not appear to have a grasp of the bill at all. He does not even seem to understand, or at least he does not seem to be able to explain, what the government's role is in all this in the tourism area.

The abolition of Tourism Victoria is a pretty giant step, and I would have thought that it is incumbent upon the minister in the chair to be able to explain to us what exactly that means to the tourism industry in this state. Unfortunately Minister Dalidakis has failed monumentally to explain to the house and to the people of Victoria exactly what this bill means for tourism in this state.

Tourism in this state is a multibillion-dollar industry. It employs tens of thousands, if not hundreds of thousands, of people, but the minister seems to be showing a flagrant disregard for the welfare of the industry through his misunderstanding of what it is all about.

I would have thought that the minister's own portfolio of small business and tourism really go hand in hand, because the tourism industry is very much made up of many, many small businesses across this state. It is very disappointing to have a situation where the minister clearly has no idea of what impact the bill will have or

of the role that the government has in this and no understanding of the impact of the legislation on so many people across Victoria.

It is important as legislators that we are in position to find out exactly what this bill means and exactly what this bill will do to hundreds of thousands of people across Victoria. Clearly in order for us to do that we will need the minister to check his facts. Whether he goes to speak to the minister or whether he has a confab with the ministerial advisers or his own department — I am not exactly sure what he will have to do to bring himself up to speed — clearly he needs to do something. We are just providing the opportunity for him to do that. We are actually doing him a favour by allowing him the time to check.

I am loath to say he has been making a fool of himself, but some people might think that. I am really hopeful that whilst we are reporting progress the minister will take this opportunity to actually dig into the legislation to find out what it means and to find out who and how many it will impact over the length and breadth of Victoria. I am very hopeful indeed that the minister will take that opportunity, because we on this side of the house do take our responsibilities in this regard very, very seriously, particularly when it comes to small business.

We on this side of the house are the party of small business. Indeed many of us on this side of the house have been involved in small business. I myself have had my own small business and others have had their own small businesses, and we are concerned about the impact that this will have. I myself know, having had involvement in the tourism industry going back some 25 years through a number of governments now, that I am deeply concerned about what the abolition of Tourism Victoria will mean to the role of governments in the promotion of tourism and the promotion of tourism destinations in this state. That is something that is gnawing away at me, because I have to say that the minister has been totally unable to explain what this means. He has totally failed to allay any fears that anybody might have that the government is stepping back from the tourism industry after all these years. During the Kennett years the tourism industry was alive. It would now appear that the Andrews government is stepping away from tourism in this state. I want to give the minister the time to find out exactly what he needs to find out.

Ms CROZIER — I will make some very brief remarks in relation to this motion, and that is because it has been rather frustrating. The minister has told the committee that the government undertook an

exhaustive consultation process that extended for over 12 months, yet nobody can tell us the nature of those stakeholders — not one; he cannot name one. I find that extraordinary. We in this state pride ourselves on major events. As I described in my second-reading contribution, we have the legacy of the late Ron Walker and all of the efforts that he made whilst he was in various positions bringing so many major events to this city and this state. I think it is imperative that we understand exactly who these stakeholders are. If we need to have that — if the minister can go and get it from the minister's office — surely he would have that list. Surely it is evident who the government has been speaking with. If they have not been speaking with the 70 or so stakeholders, then we need to understand what on earth is going on. I think it is a very basic requirement, a very basic undertaking, and I do not see why the minister has been avoiding the issue in terms of not even being able to name one stakeholder if it was such an exhaustive consultation that he outlined to the committee.

Ms LOVELL — I rise to support the motion that we report progress on this particular bill in the committee stage and that we come back later.

Mr Dalidakis interjected.

Ms LOVELL — The minister at the table, who was the minister responsible for the bill that he walked out on, is very, very, very sensitive about the fact that he lost a bill on Good Friday because he left the chamber, he got on a plane and he went overseas. He must have been extremely pleased with the calls that he was getting from Peter Marshall! But he is distracting from the very, very important issue of tourism in regional Victoria. Tourism is vitally important to many of my regional communities.

Mr Dalidakis interjected.

Ms LOVELL — These are all small businesses, and you are the small business minister. In country Victoria tourism is about small business. It is about the entrepreneurs of country Victoria who employ people and run businesses in country Victoria. It is vitally important to us to know who is going to be running tourism into the future, particularly when this government — as did former Labor governments — closes down industry in country Victoria. They lock up forests and make them national parks and close down industries, and then they say, 'Everything's going to be replaced by tourism'.

Well, our communities need to know who is going to be driving that tourism, so I would suggest that the

Minister for Small Business gets himself briefed on this bill, that we report progress now so he can get himself thoroughly briefed on this bill and that we come back when he can answer our questions. The minister needs to realise that the committee stage of a bill is read in conjunction with the bill and the second-reading speech if there are any legal proceedings that arise out of any legislation in this state, so it is vitally important that he is thoroughly briefed to give the correct answers in this committee stage. At the moment he is just not giving any answers. It is disrespectful to the tourism industry and it is disrespectful to those small business owners of the tourism businesses in country Victoria. If this minister cannot get himself thoroughly briefed and return to the chamber after we have reported progress, then I suggest that the government bring in a minister who has been briefed and who can answer the questions that the opposition has to ask.

Mr DALIDAKIS — The last time we in this chamber had to talk to a motion to report progress was on the morning of Good Friday, when Mr Ondarchie sat in the seat he is sitting in right now with his hands clasped in a prayer to the heavens above. The book of Matthew, chapter 6, verse 5, says:

And when you pray, do not be like the hypocrites ...

That is a verse that the member should know — Matthew, chapter 6, verse 5:

And when you pray, do not be like the hypocrites ...

Unfortunately it is inconvenient for Mr Ondarchie that the last time we were in this place reporting progress we were reporting progress to provide pairs that were requested not by one but by two individuals because their faith prevented them from being in this chamber. So what did we do? Those pairs were asked for by their whip, and that is what we did. We agreed to their pairs. We did not ask for pairs.

Do you know what they are doing now? They are playing with the lives of people that work in the tourism industry. That is what these people are doing. They are wanting to report progress. They are wanting to stymie the passage of this legislation. They are putting falsehoods into *Hansard*, and *Hansard* is my witness because God is my witness, and he cannot be Mr Ondarchie's witness because God was here on that night of Good Friday when Mr Ondarchie clasped his hands together and prayed to the heavens. As Matthew, chapter 6, verse 5, says:

And when you pray, do not be like the hypocrites ...

And then Mr Finn got up, and what did Mr Finn do? Mr Finn got up and said, 'I'm sick. I cannot be here. I

cannot be here on Good Friday. I feel physically ill'. That is what Mr Finn said. And then what did he do after he asked for the pair? He snuck back into the chamber. He crept back into the chamber. He skulked back into the chamber to renege on what he had asked for because he felt sick about it. That is what happened.

And now where are we at? They asked for a list of the stakeholders. And what did I do? I said I would take it on notice. I said I needed to speak to the minister in the other place because I am only representing his portfolio in this place, as we understand. I said I would take that on notice, and I also said that we had 70 stakeholders that we would need to speak to and ascertain whether they were okay with their representations being made public. I cannot say that, nor can anyone in this place, but I said I would take that on notice and I would speak to the minister and undertake that work. That is exactly what I said I would do, so when they stand up and pontificate —

Ms Lovell interjected.

Mr DALIDAKIS — Ms Lovell was not even here for that. She was not even here to hear me say that I would take it on notice and answer those questions. When Mr Finn asked who was responsible for marketing, I said Visit Victoria will be responsible for marketing across regional Victoria. I also volunteered that information.

Mr Finn interjected.

Mr DALIDAKIS — I can't hear you, Mr Finn. I think you're too busy in the confessional. I think you've been in the confessional for too long. You have been in the confessional because, as Matthew, chapter 6, verse 5, says:

And when you pray, do not be like the hypocrites ...

This is very inconvenient for you — a man that stood there and said that you were physically ill to be in this place. You asked for the pair — no-one else, Mr Finn — and now you are wanting to stop the progress of this legislation. You are wanting to stop the people working in the tourism industry across Victoria. You are attempting to shut businesses, you are attempting to close down small businesses, you are attempting to railroad the tourism industry as we know it and you are attempting to close down our major events calendar. You are attempting to do all of that by playing politics and games. Just like you did on the morning of Good Friday, you are doing it today, except today is not Good Friday. It is now just a normal Tuesday, and you have shown yourself to be in the light of the devil. That is what you have done. You continue

to use your faith and abuse it. You come into this chamber and you double down. You do not apologise; you say you would do it again.

A man of religion, a man of honour and a man who chooses to enact his faith in order to leave this place comes back into this chamber, and what does he do? He now attempts to shut down the tourism industry. They want to put businesses out of practice. They want to stop our major events calendar from proceeding because they do not like progress. They do not like legislation passing. They continue to be obstructionist. But on this particular occasion it is not just their own faith that they are putting at the behest of others; it is now people's livelihoods instead.

Mr ONDARCHIE — What is clear is that anger is deferred guilt, isn't it? There is no doubt about that. The other thing that is clear is that some people are just promoted beyond their capability, aren't they? There is no doubt about that. I find it interesting that the minister is quoting from the New Testament — the New International Version of the New Testament, by the way. He was talking about the breaking of conventions. Well, let me tell you, Minister, that the convention that was broken in this place was this Parliament sitting on Good Friday. Let us make no mistake about that. For all your feigned objections, you are the same person who sent me a text message on Maundy Thursday, saying, 'I agree. We shouldn't sit on Good Friday'. You are the same person.

An honourable member interjected.

Mr ONDARCHIE — Absolutely, he did. What is clear is that he talks about Matthew, chapter 6, and it talks about standing on street corners. I get that. That is akin to standing on the steps of Sydney Town Hall and saying you are bringing a convention to Victoria that never happened. It is exactly the same thing.

What is clear here is that this committee has asked the minister a series of questions. To be fair to his lack of capability, he said he has to check with the minister. In response to a number of them he said, 'It's not us; it's a federal matter'. When Ms Crozier asked about the 70 stakeholders being consulted with — he could not name all 70, to be fair — he could not name one single person that has been consulted with. We have given this minister ample opportunities in this early stage of the committee process to answer some questions, and he has failed to do so. To be fair to him, the right thing is to let him go away, be briefed on this and fully understand the bill that he should be representing in this place, and we will come back and do it when he is ready.

Committee divided on motion:*Ayes, 16*

Atkinson, Mr	Morris, Mr
Bath, Ms	O'Donohue, Mr
Crozier, Ms	Ondarchie, Mr
Dalla-Riva, Mr	O'Sullivan, Mr
Davis, Mr (<i>Teller</i>)	Peulich, Mrs
Finn, Mr	Ramsay, Mr (<i>Teller</i>)
Fitzherbert, Ms	Rich-Phillips, Mr
Lovell, Ms	Wooldridge, Ms

Noes, 24

Bourman, Mr	Patten, Ms
Carling-Jenkins, Dr	Pennicuik, Ms
Dalidakis, Mr	Pulford, Ms
Dunn, Ms	Purcell, Mr
Eideh, Mr	Ratnam, Dr
Elasmar, Mr	Shing, Ms
Gepp, Mr (<i>Teller</i>)	Somyurek, Mr
Jennings, Mr	Springle, Ms
Leane, Mr	Symes, Ms
Melhem, Mr	Tierney, Ms
Mikakos, Ms (<i>Teller</i>)	Truong, Ms
Mulino, Mr	Young, Mr

Motion negatived.

Mr ONDARCHIE — Minister, why does the bill not include business events as major events?

Mr DALIDAKIS — What I can say to the member is that this legislation does not actually preclude business events from being included at a point in time when declared by the minister. With business events becoming bigger and bigger and tickets to conferences obviously being sought after — whether it be a conference in the traditional sense or, for example, speakers speaking at venues, such as Etihad Stadium, the MCG or otherwise — they could be declared by the minister at a later point in time.

Mr ONDARCHIE — Thank you, Minister, for clearing that up. So business events could be considered as major events. Would StartCon in Melbourne be a major event?

Mr DALIDAKIS — Whilst the member is attempting to be provocative, let me say that should StartCon come back to Melbourne and agree to 50-50 parity gender equity — which it was not prepared to do — and if it does come back to Victoria and is so big that people are able to sell a ticket for thousands of dollars more than what they initially paid, then obviously we would look at that issue at that point in time. But nonetheless, despite Mr Ondarchie's attempt to troll, despite the attempt by Mr Ondarchie to act in bad faith with this question, I will continue to answer the questions as best as I can, as I have just indicated.

Mr ONDARCHIE — Thanks, Minister. If anybody acted in bad faith, it was you standing on the steps of the Sydney Town Hall indicating that you were going to bring StartCon to Melbourne — into that lovely Melbourne suburb of Randwick, where it was actually held. If you want to talk about bad faith, we see that continually from you.

Minister, ambush marketing has become a growing trend. The existing act protects sporting events but not other major events. Why does this bill not address ambush marketing?

Mr DALIDAKIS — What I would say to the member is that ambush marketing does not have any application to ticket scalping. As the member would be aware, ambush marketing is about attempting to rain on the parade of the sponsors or the people that have put on an event by attempting to take people's view of or adherence to that event away from exactly what is going on. An example would be an event that is sponsored by XYZ Pty Ltd and ABC Pty Ltd would attempt to pay people that attend that event to wear T-shirts that had their logo on them, a logo that would be contrary to the event's major sponsor. That could be one example of ambush marketing. But as per the application of this legislation, ambush marketing is not the same or equated to ticket scalping.

Mr ONDARCHIE — Thank you, Minister. The AFL have indicated that when there is a major game at the MCG, such as one involving the Richmond Football Club, they may close the Yarra Park car park for what they call security reasons. So if the AFL thought that a huge crowd was going to arrive at the MCG and they then closed the Yarra Park car park for security reasons, would that trigger the minister then declaring that a major event?

Mr DALIDAKIS — Whilst I can understand the member's question, it has no application to the legislation as it is before us in relation to ticket scalping.

Mr FINN — Minister, I am still grappling with the role of Visit Victoria in connection with the promotion of Victorian tourism destinations within Australia and around the world. Who funds Visit Victoria for the sort of promotion that Tourism Victoria used to conduct?

Mr DALIDAKIS — The answer to the member's question is: the government.

Mr FINN — So the government funds Visit Victoria in a similar way that it used to fund Tourism Victoria, even though Visit Victoria is a private company. Does the government propose to invest in or

fund any other private companies in the manner that it is funding Visit Victoria?

Mr DALIDAKIS — I do not see the relevance to the legislation as it is before us.

Mr ONDARCHIE — Minister, recently Ed Sheeran toured Australia. He is a wonderful artist, a fantastic artist. If you have not heard the lyrics to his song *Supermarket Flowers*, you should check it out. Ed Sheeran actually approached the House of Lords in the UK to campaign for anti-scalping laws. Minister, I ask: did the promoter promoting Ed Sheeran in Australia speak to the government about anti-scalping laws?

Mr DALIDAKIS — I have been asked and I have answered this question.

Mr Ondarchie interjected.

Mr DALIDAKIS — I said that I have been asked this question and I have answered it. I have been very clear that I will not disclose the names of stakeholders that may or may not have been in discussions with the government, because that stakeholder consultation was undertaken without an understanding that the consultation would be made public at this point in time. I have said to your colleague, Ms Crozier, that I will take this on notice and speak to the minister concerned. There will need to be a number of steps undertaken, including understanding from the stakeholders about whether they are happy for their names and details to be made available to Ms Crozier. I am not in a position to answer that, so the question that you have asked about whether I have undertaken or whether the government has undertaken consultation with this particular promoter is another way of attempting to try to ascertain information that I have already said I will need to go to the minister and seek guidance from him as to the viability of providing that information to Ms Crozier.

Mr ONDARCHIE — Minister, nowhere in my question, aside from mentioning the wonderful artist, Ed Sheeran, did I mention the name of the promoter. It was just a simple question: did the promoter who promoted Ed Sheeran's tour of Australia consult with the government or talk to the government about anti-scalping? It is a yes or no answer. I did not ask you to name them, it was just a simple yes or no answer. So Minister, I ask you: without naming the promoter, because you perhaps do not know who it was, did the promoter for Ed Sheeran talk to the government about anti-scalping laws?

Mr DALIDAKIS — I will take it on notice.

Mr FINN — Minister, in my second-reading contribution to this bill I raised the issue of what I described as legal scalping, where the AFL, for example, would get finals tickets, put them in a package with a lunch or something and charge \$3000 or \$4000 each for them. I pointed out at the time that I did not see any moral difference between what the AFL was doing in that particular instance and what somebody in the car park at the MCG would be doing by approaching somebody and attempting to scalp a ticket. Does the government see it as a possibility that it could step in and move against, for example, the AFL in the particular instance that I have referred to?

Mr DALIDAKIS — In response what I can say, which has been made clear with previous speakers, is that under the legislation the AFL must submit a proposed ticketing scheme to the Minister for Tourism and Major Events which details the allocation of tickets, including how many tickets are allocated to clubs, Melbourne Cricket Club (MCC) members, AFL members, contractual obligations and of course then the general public. This bill will not have an impact on ticket allocation for fans for the grand final; indeed that allocation is at the behest of the AFL. So in relation to whatever Mr Finn would like to call it, it is not scalping in the definition of scalping we are referring to, because they are tickets which are sold in accordance with the AFL's rules and their own ticketing scheme.

Mr ONDARCHIE — Minister, in relation to the questions that have been asked by Ms Crozier, Mr Finn and me — those that you have taken on notice — in order to progress this bill, ensuring that we allow time of course for the Greens amendments, when will you envisage getting back to us with the advice we seek in order for us to progress this bill?

Mr DALIDAKIS — That would depend on the depth and amount of time undertaken in terms of, as I said, consultation with those stakeholders and agreement with those stakeholders that their details would be released and made available to the opposition members who have requested that information. Clearly that is a rather involved process. I have in relation to previous legislation for ministers that I have represented in this place undertaken in good faith to take questions on notice for those ministers as well prior to the legislation being passed. I have done so, and that information has been provided. I intend to acquit my offer of taking on notice Ms Crozier's question from earlier on.

Mr ONDARCHIE — Minister, thank you. I note that you have agreed to take this on notice and acquit your responsibilities by providing us with that

information before the bill is passed. Minister, I then ask you —

Mr Dalidakis — No, that is not what I said.

Mr ONDARCHIE — No, you said you will provide the information, as you have done in the past, before the bill is progressed.

Mr Dalidakis — No, that is not what I said.

Mr ONDARCHIE — Well, you might need to clarify, because that is surely what it sounded like to us.

Mr Dalidakis — No, that is not what I said.

Mr ONDARCHIE — Minister, could you then reframe, readdress, reshape —

The ACTING PRESIDENT (Mr Melhem) — Order! Can I just remind members that we are not debating who said what. Minister, if you wish to clarify, please do.

Mr DALIDAKIS — I will repeat myself. What I said to the member is what I have done with ministers' previous ministers' bills that I have taken through this place, and where I have taken questions on notice, sometimes those questions have been responded to after the legislation has passed. Now on this particular occasion the question that Ms Crozier put to me will take a substantial piece of time to undertake. It is not going to be able to done straightaway, but it has no impact on the legislation before us. Asking which stakeholders were consulted does not impact upon the legislation as it occurs, as it is printed, as it is prepared to go through the committee. Again, I have taken that on notice, but there is a process that will need to be followed. I cannot speed that process up any more than requesting that the minister speak with all of the stakeholders concerned and seek their response as to whether or not their details can be made available. I am not in a position, beyond what I have said, to commit to anything beyond that.

Ms CROZIER — Minister, I am going to ask a question in relation to the response you have given. You have said there was extensive consultation — and I apologise again for labouring this point — with 70 stakeholders. You have just said to the committee that the minister will have to go back and ask them whether their details can be provided to the committee. I am just clarifying that. Is that what you said?

Mr DALIDAKIS — What I have said, Ms Crozier, is that the request for names, as you would expect, needs to be conferred with the people that the

consultation has been undertaken with. I am not in a position to be able to provide that information without advice from the minister concerned, and without the minister concerned being able to speak to those stakeholders to find out from them whether they are happy for that information to be made public. Now if there had been public submissions, it would be as easy as looking at the website where those submissions are contained, but we are not in a position to do that. So I say again: I will take it on notice and, as I have done for Mr O'Donohue on previous bits of legislation, I will do that.

Mr ONDARCHIE — Minister, will we have this information provided to this house of review prior to this bill being put through?

Mr DALIDAKIS — Ask the next one.

The ACTING PRESIDENT (Mr Melhem) — I think the question was answered earlier.

Mr ONDARCHIE — Not really.

The ACTING PRESIDENT (Mr Melhem) — Mr Ondarchie, I recall the minister said that the answer to that question might take a bit of time and is not related to the bill. You may not like the answer, but I believe he answered it.

Mr ONDARCHIE — Fair enough.

The ACTING PRESIDENT (Mr Melhem) — Do you have any further questions?

Mr ONDARCHIE — Yes, I have. It is certainly not the fault of the committee that the minister comes here ill prepared. Minister, the bill does not mention time frames for a declaration. It says the minister must declare an event before tickets are printed, but it does not say anything about the minister having to act in advance of a series of events going on sale. Could you outline what the time frame is for a declaration?

Mr DALIDAKIS — The time line will depend upon when the event is taking place and when the request is made about making the event protected, so they are time lines that are completely dependent upon other people for whatever example Mr Ondarchie may like to consider. It would have to be in place in a timely way and, again, undertaken by the promoter or by the owner of the content, and by them being able to move forward with that application or that request to the minister.

Mr ONDARCHIE — The minister said, 'That will depend on when the events are taking place'. Wow, that

is pretty amazing. Minister, let me give you an example to try and help you through this process, and we are happy for you take the time to seek advice on this from the advisers box. For example, if concerts 1, 2 and 3 sell out quickly, the minister may declare other concerts in that series a major event, meaning all future tickets are protected by this law but the tickets for the first three are not. So what do you expect then, if I could put it this way, the gestation period is between the request and the minister finally making a decision?

Mr DALIDAKIS — Of course again it depends upon when a major event ticketing declaration has been made. In this scenario obviously it will be up to event organisers to request that a major event be declared and then for the minister to make that declaration. Then at that point, obviously once the major event ticketing declaration has been made, the venue organisers will be required to ensure that the ticket price is displayed on the face of the ticket itself. Again, it is that simple; it is not a complicated process.

Mr ONDARCHIE — Curiously the minister answered a question that was not the one that I asked, but nonetheless we will come back to it. What is of interest I suspect to the alleged 70 industry stakeholders you have consulted with, not one of which you are able to name, would be how long it is going to take between them seeking that an event be declared a major event and the minister signing off on it. That is what I am seeking to gain from you today. How long will it take?

Mr DALIDAKIS — That will be an issue and a matter for the minister. The minister would need to receive the application and then deal with the application — there is no desire to delay an application — and the application will need to be dealt with in a timely way. In the example that Mr Ondarchie used previously, if a number of the concerts have already sold out and then the promoter wishes to have a fourth or final concert declared, obviously the time lines for that are much quicker. If it is an event that is coming to Melbourne that is eight months away, obviously it is a slightly different process, but it depends on when tickets are then being sold.

I am not trying to be obstructionist with Mr Ondarchie and this question. What I am trying to indicate is that the minister will have to respond in a timely way and that will depend upon the event, when the event is being held and when tickets are being sold for that event as well.

Mr ONDARCHIE — We will have to step this through, sadly. Minister, as part of the business plan or the business model around these events the element of a

minister making a declaration on this and the time frame associated with that are critical to the business case and the business plan associated with these major events. So those 70 stakeholders that you have allegedly consulted with — not you yourself, admittedly, but the minister and their staff — will be interested to know, when they ask for this to occur, how long it is going to take. Are we talking weeks, months, days or hours? How long is it going to take? They are going to have to rely on your information to construct their model around this.

The ACTING PRESIDENT (Mr Melhem) — Minister?

Mr DALIDAKIS — Asked and answered.

Mr ONDARCHIE — I would like the chamber to note that the minister has not answered the question and has just said it will be in a timely manner and it will be up to the minister. My advice to the 70 stakeholders that have allegedly been consulted with, none of which can be named, is that they had better be very careful about this, because the government are all over the place on this. If they are expecting to plan their events around the potential for major event ticketing, the government have said today that they will get to it when they get to it and that it could take a little while but it will be in a timely manner — whatever that means. When it comes to timely things, in this state things take a long, long time. Here we are in an election year, and the government are just announcing important things for Victoria after three and a half years. They might call that timely; we do not call it timely. I want the industry to note and the Victorian public to be aware that the minister's response is that the minister will get to it when the minister —

The ACTING PRESIDENT (Mr Melhem) — Order! Mr Ondarchie, is there a question?

Mr ONDARCHIE — There does not have to be a question in the committee stage.

The ACTING PRESIDENT (Mr Melhem) — No, there does. It is not an opportunity for long speeches. If you have got a question, please put it. Otherwise I will move to the next speaker.

Mr ONDARCHIE — Acting President, I put it to you that the committee stage also allows for statements, and you can check the standing orders on that.

The ACTING PRESIDENT (Mr Melhem) — Well, I put it to you, Mr Ondarchie, that we have been talking about this subject for the last hour. If you do not have any further questions, to assist the committee I

urge you to move on to another subject or any other questions you might have. There has been a fair bit of repetition in the last hour on the same subject, and we are just going in a circle.

Mr ONDARCHIE — On a point of order, Acting President, are you instructing me that the committee stage does not allow a member to make a statement? Is that your instruction?

The ACTING PRESIDENT (Mr Melhem) — I am not instructing you to not make a statement. I am basically instructing you to stop repeating the same issues again and again. That is what I am instructing you to do.

Mr ONDARCHIE — Okay. I will continue with my statement then, if that is okay with you, Acting President.

What is important in this piece of legislation, apart from the protection for consumers, is to make sure that industry have a full understanding of what is going to come before them. Right now, after what you, Acting President, said is about an hour of talking about this, we have not had a definitive response from the minister on a range of things. It is alleged that the minister who the minister is representing has consulted with over 70 stakeholders over a 12-month period. We cannot get confirmation on either of those things. So it is appropriate at this time, given that we cannot get any answers on this, that I move:

That the Acting President report progress and seek leave to sit again.

That would give the minister representing the other minister an appropriate amount of time to go and check his details.

Motion negatived.

Clause agreed to; clauses 2 to 5 agreed to.

Clause 6

The ACTING PRESIDENT (Mr Melhem) — I call on Ms Springle to move her amendments 1 to 9, which are consequential amendments resulting from the substantial proposition to provide for major ticketing events including sports events. These will test Ms Springle's remaining amendments, on my understanding.

Ms SPRINGLE (South Eastern Metropolitan) — I move:

1. Clause 6, line 18, omit "182C" and insert "153".
2. Clause 6, after line 18 insert—

"major ticketing event means—

- (a) a ticketed event to which a major event ticketing declaration applies; and
- (b) if an event referred to in paragraph (a) is to be replayed or rescheduled for any reason, includes the replaying of the event or the rescheduled event;"

3. Clause 6, page 4, line 1, omit "9A" and insert "9".
4. Clause 6, page 4, line 10, omit "2A" and insert "2".
5. Clause 6, page 4, lines 11 to 15, omit all words and expressions on those lines and insert—

'(2) In section 3(1) of the Principal Act—

- (a) in the definition of *sports event* omit "in Part 9,";
- (b) in the definitions of *ticket scheme* and *ticket scheme proposal*, for "sports ticketing event or a sports event" **substitute** "major ticketing event or a ticketed event".

6. Clause 6, page 4, after line 15 insert—

*"() In section 3(1) of the Principal Act, the definitions of *sports event organiser*, *sports ticketing event* and *sports ticketing event declaration* are repealed."*

7. Clause 6, page 4, line 16, omit "(3) After" and insert "(4) For".
8. Clause 6, page 4, line 16, omit "insert" and insert "substitute".
9. Clause 6, page 4, line 17, omit "2A" and insert "2".

These amendments are consequential to the amendment I will move on clause 7. This set of amendments changes the definitions and does the consequential renumbering that would be the result of the next amendment. Essentially we are looking at broadening the definition of 'major event ticketing declaration'. It is, again, to improve the transparency and accountability of the anti-scalping measures that are contained in this bill. We would like to strengthen fair access for the public to tickets for consumers by increasing the transparency requirements for event organisers to detail where their tickets are going and how they are ensuring fair access to tickets. Essentially the substantive amendment will change the name of the

major sporting event declaration to major event ticketing declaration so it can be used for a range of broader purposes.

Mr DALIDAKIS — I thank Ms Springle for her contribution. I acknowledge the good faith that the Greens have undertaken with the amendments they have put forward. The government is not in a position to support those amendments. Whilst we, again in good faith, acknowledge what Ms Springle and the Greens are attempting to do, we believe that this will create substantial red tape and stymie the ability for events to operate in a timely fashion. That is why the government will not be supporting the amendments.

Mr ONDARCHIE — We acknowledge the work of Ms Springle and the Victorian Greens on amendments 1 to 9 to clause 6, but the opposition will not be supporting them.

Committee divided on amendments:

Ayes, 5

Dunn, Ms (<i>Teller</i>)	Springle, Ms (<i>Teller</i>)
Pennicuik, Ms	Truong, Ms
Ratnam, Dr	

Noes, 35

Atkinson, Mr	Morris, Mr
Bath, Ms (<i>Teller</i>)	Mulino, Mr
Bourman, Mr	O'Donohue, Mr
Carling-Jenkins, Dr	Ondarchie, Mr
Crozier, Ms	O'Sullivan, Mr
Dalidakis, Mr	Patten, Ms
Dalla-Riva, Mr	Peulich, Mrs
Davis, Mr	Pulford, Ms
Eideh, Mr	Purcell, Mr
Elasmar, Mr	Ramsay, Mr
Finn, Mr	Rich-Phillips, Mr
Fitzherbert, Ms	Shing, Ms
Gepp, Mr	Somyurek, Mr (<i>Teller</i>)
Jennings, Mr	Symes, Ms
Leane, Mr	Tierney, Ms
Lovell, Ms	Wooldridge, Ms
Melhem, Mr	Young, Mr
Mikakos, Ms	

Amendments negatived.

Clause agreed to; clauses 7 to 15 agreed to.

Clause 16

Mr ONDARCHIE — Minister, in the minister's second-reading speech in the other place he said he was going to consider the size of the event, but the bill does not necessarily agree. If I look at new section 182C(2)(c), shouldn't crowd size be a consideration as to whether the event is major? Fifty thousand at Etihad Stadium is a big crowd but a failure at the MCG.

Ms PULFORD — The purpose of the legislation is really around the exclusivity of major events rather than the crowd size. So we would have events in this sporting mad place that is Melbourne that would draw very, very large crowds that nobody would define as a major event necessarily, but other events — for example, the Harry Potter show that we are all, I am sure, very keen to see when it comes; I am certainly very excited about that — would occur in a theatre, which by its very nature would not be a venue that would fit multiple tens of thousands of people. So there are criteria in the legislation about what would constitute a major event, and it would be a decision either for the minister or for the event promoter to seek that status to be applied to their event. So size is not the only criteria I guess is the short answer to your question.

Mr ONDARCHIE — Minister, I want to talk about scalped tickets. In the bill it says about ticket seizing procedures that, if the authorised ticketing officer or a police officer believes on reasonable grounds that it is impractical to do so, then they would not seize the tickets. When would it be impractical for them to seize tickets?

Mr DALIDAKIS — I thank the member for his question. The application of that clause is and has been written about the safety of the people concerned that are looking at the tickets. So if there is a physical threat to those people as a result, then obviously the advice to people is not to engage and not to put themselves in harm's way.

Mr ONDARCHIE — Is that for the police as well?

Mr DALIDAKIS — Yes. Obviously it is an assessment by the appropriate person at the time.

Mr ONDARCHIE — Minister, if a purchaser of scalped tickets refuses to provide their details, seeing they have not committed a crime, how and when would their tickets be returned?

Mr DALIDAKIS — I thank the member for his question. In relation to the question that he posed there are in fact a number of different types of responses. The first one of course is that, should the person have purchased a ticket illegally under the act and it be forfeited, then obviously that is a very clear case to deal with. Should a purchaser surrender a ticket, the police officer or the authorised ticketing officer may actually arrange for a photograph or other image or recording of the ticket to be made, which then allows that person to still attend the event, and then that person could be prosecuted at a later date.

But it is important to note that, whilst there are people that will be the recipients of scalped tickets, what this legislation is attempting to do is to work through the scalpers themselves to be able to find the people that are undertaking the transactions at their source. Yes, some people will be caught up in that — it is absolutely clear that that will be the case — but nonetheless it is the attempt of this legislation to get the people at the source, and they are the people that are the focus of course of the legislation.

Mr ONDARCHIE — Thank you, Minister. Given this legislation as you point out is designed to get to the source of those who are the scalpers, is there any compulsion on the purchaser of scalped tickets to provide their personal details?

Mr DALIDAKIS — Yes, the legislation does make it clear that the police officer or the authorised ticketing officer may indeed ask for the purchaser's name and address.

Mr ONDARCHIE — Minister, we have consulted widely with industry, and one of the major concerns they have advised us about is the amount of scalping that occurs on Viagogo, an offshore website and a major problem to the sector. What does this bill do to prevent scalping by this offshore web presence?

Mr DALIDAKIS — As I have indicated to either this member or previous members, the minister has written to Minister Ciobo federally to ask that the federal government look to enacting legislation or a course of action that deals with this nationally. Of course the internet is a carriage under the Telecommunications Act 1997, so anything that the government does is required to be done federally because it falls under their purview.

Clause agreed to; clauses 17 to 28 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

LONG SERVICE LEAVE BILL 2017

Second reading

Debate resumed from 8 March; motion of Mr JENNINGS (Special Minister of State).

Mr ONDARCHIE (Northern Metropolitan) (17:45) — I rise to speak today on the Long Service Leave Bill 2017. It is almost unbelievable that we are almost halfway through 2018 and we are debating a 2017 bill. Notwithstanding that, when you look at the orders of the day in the journal that is provided each morning, we still have got to deal with the budget papers and the Appropriation (2017–2018) Bill 2018. It is no surprise that the government are that far behind in their agenda that we are dealing with a 2017 bill some way through 2018.

The purpose of the bill is to repeal the current Long Service Leave Act 1992 and replace it with a new act and make various changes to current entitlements and operational provisions.

Let me outline the main provisions of this bill. The bill makes a range of changes to the current long service leave regime, including counting all paid parental leave as service for the calculation of an employee's long service leave entitlements, counting up to 12 months of unpaid parental leave as service, providing that any agreed period of unpaid parental leave greater than 12 months will not break continuity in service, allowing employees to apply for long service leave after seven years of service rather than 10 years and allowing employees to use long service leave to take a minimum of one day at a time rather than as a limited number of blocks, and it also includes basing the average hours of service on which long service leave is calculated on the largest of the hours worked over the past 12 months, the past five years or the entire period of the employee's continuous employment.

The bill also makes changes to the regime which empowers departmental officers to require the production of documents and materials in investigating complaints. It increases the penalties for non-compliance and converts civil penalties to criminal penalties. It also broadens the transmission-of-business provisions for the transfer of long service leave liabilities.

There are some concerns about this 2017 bill. There is a change to the way in which average hours of service is calculated. It will for the first time require employers to use records of hours worked dating back over the entire period of an employee's employment. Previously, only

records of hours worked over the most recent five years of employment have been needed for relevant calculations.

The Victorian Chamber of Commerce and Industry (VCCI) have opposed the retroactive operation of this change, including in their media release of 18 August of last year, because they believe that at present employers will not necessarily have records of hours worked dating back more than seven years. The Victorian Farmers Federation (VFF) also opposes this provision due to its retrospectivity and complexity. Others dispute the retroactivity on the basis that at least some records of an employee's entire period of employment already need to be kept.

The Victorian Farmers Federation have also raised concerns about the provision for an employee to take long service leave in advance of seven years service, but this is discretionary for the employer. They are concerned about the high penalties if an accrued long service leave entitlement is not paid out to an employee on the exact day the employer ceases employment, but similar high penalties are in the existing act. The Victorian Farmers Federation want a shorter period than 104 weeks of other leave before continuous employment is broken for casual workers. However, the granting of leave longer than 12 months is usually discretionary for the employer.

However, apart from parental leave, most such leave is discretionary for employers. The VFF opposes the requirement that an employer must have a reasonable business ground to refuse a long service leave request from an employee; however, an employer still has the power to direct an employee to take long service leave on giving 12 weeks notice — so three months notice and you need to take some long service leave. The Victorian Farmers Federation also opposes the increased penalties in the bill.

It is the view of the Liberal-Nationals that the bill is defective both in concept and in implementation. It undermines the longstanding principle that long service leave is in recognition of and reward for long service with one employer. There has been inadequate research or data to establish the benefits or costs of this proposed scheme. The majority of the parliamentary committee, on whose report the government claims the scheme is based, did not in fact support its introduction. This scheme will be expensive for employers both in direct costs and in the costs associated with administering the requirements of the act. The proposed 1.5 per cent scheme levy is far higher than the current cost of long service leave to employers and far higher than the likely

level of long service leave benefits that we pay to those employees who qualify.

Ms Symes — On a point of order, Acting President, with respect, Mr Ondarchie seems to be referring to portability of long service leave, which is not this bill.

Mr ONDARCHIE — I have not spoken about portability at all. I have not mentioned the word portability.

Ms Symes — No, you seem to be alluding to issues related to it.

Mr ONDARCHIE — On the point of order, Acting President, I am speaking to the Long Service Leave Bill 2017. I know that we have not even second read the long service leave portability bill.

The ACTING PRESIDENT (Mr Morris) — We are all on the same page here.

Mr ONDARCHIE — To be fair, I was preparing for the portability bill before I got to here today. There are numerous anomalies and unanswered questions about how the scheme will apply to employees who move between covered and uncovered roles with their employers or employer. The scheme's coverage within the community services sector is complex and creates potential for double charging, double dipping and penalties for non-compliance. There exist some uncertainties —

Ms Symes interjected.

Mr ONDARCHIE — I am talking about this exact bill. Don't you get ahead of yourself here. There are some uncertainties for scheme coverage, risk of scope creep and cost of coverage disputes that currently occur within the building industry scheme, CoINVEST. We are on the same page here, Ms Symes. The scheme will hurt disability service providers that are all struggling with the national disability insurance scheme implementation. The sector opposes being covered and fears many providers will be forced to close.

Ms Symes — That is all about portability.

Mr ONDARCHIE — It is a wideranging debate.

The ACTING PRESIDENT (Mr Morris) — Order! Members, Mr Ondarchie has the call.

Mr ONDARCHIE — If I can continue, people should not get too excited by this. We have consulted widely, and let me share with you some thoughts of the Victorian Chamber of Commerce and Industry on 31 August 2017, well before the portability one was

even considered. This government has been talking about a lot of things for a long time. This bill, says the VCCI, will disadvantage employers and create significant administrative burdens for businesses. There are some things that they are concerned about. It stated:

The Victorian chamber is calling for Parliament to amend parts of this bill because the changes will result in increased costs and additional obligations for employers.

If this legislation is passed, there will be extra costs for employers. There will be increased penalties. There will be some new record-keeping obligations that they have not had to face before.

Long service leave was invented in the mid-19th century to allow citizens to sail to and from England every decade — a journey that could take up to four months. This is clearly not a problem with today's workers. Whilst it is a reasonable position to bring long service leave legislation up to date and make it easier to administer, these efforts to modernise long service leave should not be used as an excuse to increase benefits to employees without considering that employers will bear the costs.

There are many clauses of concern.

Ms Symes — Which ones?

Mr ONDARCHIE — I will get to them, Ms Symes. Some patience would be a good thing. There are many clauses that are of concern, and the Victorian Farmers Federation in response to our inquiries talked about the Long Service Leave Bill 2017 and the efforts to repeal and replace the current Long Service Leave Act 1992 and make a range of changes. They are concerned about counting all paid parental leave as service for the calculation of employees' long service leave entitlements.

Ms Symes interjected.

Mr ONDARCHIE — This is the Victorian Farmers Federation. They are concerned about counting up to 12 months of unpaid parental leave as service. They are concerned about providing that any agreed period of unpaid parental leave greater than 12 months will not break continuity of service. They are concerned that allowing employees to apply for long service leave after seven years rather than 10 years is an issue. They are concerned about allowing employees with long service leave to take leave at a minimum of one day at a time rather than in a limited number of blocks. I kind of understand why the Victorian Farmers Federation, whose members traditionally operate seasonal businesses, are concerned about this. Maybe there are

valid reasons why long service leave is taken, if I could put it colloquially, Acting President, during the off-season when they are not in production rather than just one day at a time. I understand their position on that.

They are concerned about basing the hours of service on which long service leave is calculated on the larger of the hours worked over the past 12 months, the past five years or the entire period of the employee's continuous service employment. They are concerned about empowering departmental officers to require the production of documents and materials in investigating complaints. Particularly the Victorian Farmers Federation, in telling us about the things that they are worried about — let me go to Ms Symes's question about which clauses they are worried about — said they are worried about clause 8. They do not support taking leave in advance before the employee has completed seven years of service. They are concerned about clause 9: what happens if employment ends before leave is taken? The penalty surrounding this clause is very high and is calculated on a daily basis, and most of our VFF members are located in country areas where they have to rely on the internet to make payments. Sometimes the internet may not be working and therefore problems with pay may arise, which is beyond the farmer's control. There is nothing in the legislation that takes these issues into consideration.

They have talked about the meaning of continuous employment. In clause 12(2)(d) the reference to 104 weeks or two years for paid or unpaid parental leave, they say, seems too long for casual or seasonal employees. The Victorian Farmers Federation believes that 52 weeks is preferred. Also they say the current Long Service Leave Act section 62A should remain, as the meaning of continuous employment for casual and seasonal employees is preferred, and changes to seasonal casuals should not be adjusted.

They have talked to us about clause 13, dealing with periods of absence from work that are taken to be periods of employment when calculating the length of a period of continuous employment. The Victorian Farmers Federation have advised that they do not support absences after 52 weeks of unpaid leave being counted for continuous employment other than parental leave — for example, an employer may grant an employee leave to go travelling for a year or a six-month absence, but this type of leave is purely voluntary and should not be counted for long service leave provisions.

On clause 15, dealing with the meaning of ordinary pay and ordinary time rate of pay, the VFF have told us

they do not support introducing any type of legislation which is retrospective. The Long Service Leave Bill, they say, appears to introduce in this clause another calculation which is based on the hours of work averaged over a period of continuous employment. The VFF says that this new calculation adds complexity, is very onerous and would be an administrative nightmare for employers.

The VFF supports more flexibility, but the provision in clause 18 where an employee may make a request for long service leave does not seem to take into account that the arrangement should be by mutual agreement. The provision allows for a request for leave, and then the employer must grant the employee's request as soon as practical unless the employer has reasonable business grounds for refusing the request. You can understand in the ag sector why this would be a worry. The VFF do not like how this clause is worded, and therefore they are not able to support the clause.

The Long Service Leave Bill seems to be drafted in a way that does not pick up the spirit of long service leave being an entitlement, but rather when an employee takes long service leave it is by mutual agreement. In this bill the employee firstly makes a request and their employer must grant the employee's request as soon as practicable after receiving the request unless the employer has reasonable grounds for refusing the request, so there is a positive duty to agree. Also, the bill is more complicated and difficult to understand. For example, the consequences of industrial action or the breakdown of machinery — where do they go to in terms of managing continuous service?

This is a bill that we will talk a bit further about today. It is a bill that has taken some time to get here, despite the government saying they want to get on with things. This is a bill that was introduced in 2017 and finally, almost midway through 2018, it has made its way to the upper house. We will talk more about this today.

Mr ELASMAR (Northern Metropolitan) (18:01) — I rise to contribute to the Long Service Leave Bill 2017. In Victoria in the state public service there once was what was called 'the married women's superannuation fund'. It paid lesser benefits than the normal super fund and this happened legally, so it is no surprise that long service leave entitlements have also traditionally been skewed against women. This bill introduces a new Long Service Leave Act which will be more modern, flexible and, most importantly, fairer for women and those with parental or care responsibilities.

Currently the Long Service Leave Act 1992 treats parental leave less favourably than all other forms of leave. If an employee takes more than 12 months unpaid parental leave, they lose continuity of service and any accrued long service leave entitlements and they have to turn the clock back to zero when they return to work. This undervalues the vital contributions parents make to their workplaces, particularly women, who are disproportionately affected by this unfair and outdated arrangement. With the Andrews government's changes any period of paid parental leave and up to 12 months of unpaid parental leave will actually count as service and no amount of parental leave will break continuity of service. This is a huge win for women across this state. This bill makes important changes to stop women and parents from being discriminated against by losing their hard-earned long service leave (LSL).

In most instances with regard to accrual of LSL if a person changes their working week hours from full time to part time those hours are converted to part-time hours which effectively means they lose the portion of the payout on their full-time hours. Again, this penalty is most often borne by women. The bill removes this discrimination by ensuring entitlements can be averaged over the entire period of employment if this means the employee is better off than if the averaging is only done over the last 12 months or five years.

The Long Service Leave Act provides baseline long service leave entitlements to Victorian workers in the public and private sectors. Long service leave is a reward for service with a single employer and has been a longstanding benefit in all Australian jurisdictions for many years.

The Department of Economic Development, Jobs, Transport and Resources conducted a review of the Long Service Leave Act 1992 in 2016. The review involved face-to-face meetings with employers, workers and community organisations and a call for public submissions. In all, the department received 30 written submissions. The upshot of the review showed that on average women are systematically being discriminated against in a brazen and unjust way. This has to stop. The bill will institute fairness and equity in the administration and application of LSL. Importantly, it will not change the basic entitlement of one-sixtieth of the employment period, which equates to approximately 13 weeks leave after 15 years service. I commend the bill to the house.

Dr RATNAM (Northern Metropolitan) (18:05) — I rise to indicate the Greens will be supporting the Long Service Leave Bill 2017. Long service leave is an important entitlement that gives recognition to workers for service to an employer. It started as a means for civil servants to have sufficient time to return to the homeland of the UK to visit family in the 1800s, but since then it has morphed into a recognition that workers should have the ability to take time out of the workforce after a period of continual work. In this day and age of overwork and long hours for many workers, long service remains an important workplace condition. After all, we work to live, not the other way around. We all have families and communities we are a part of, and long service leave allows people who have committed to a job to take time out with their families, friends and communities.

The bill before us represents a much-needed reform of the long service leave provisions for Victorian workers. Importantly, the bill makes changes to how parental leave is considered in relation to long service leave. The bill allows parental leave to count as continual service. This is a welcome reform that will particularly benefit women. The bill is an important further step in addressing the discrimination women face at work from taking time out to have children. We know that women who have families suffer in work from poorer pay outcomes and working conditions.

The bill also provides greater access to long service leave for casual and seasonal workers, along with greater flexibility in how long service leave can be taken. At a time when our workforce is becoming less secure, with more and more people in insecure forms of work, these changes also represent an important step forward. The Greens welcome these reforms and we will be supporting this bill.

Mr GEPP (Northern Victoria) (18:07) — I rise to speak in support of the Long Service Leave Bill 2017, and it is with great pleasure that I do so. When I started in this place I outlined my work history in detail. I have been dealing with these sorts of issues for a very, very long time, and I am so very proud to be a part of this government which is introducing such a progressive and modern bill which will make a real difference to the lives of so many working people, particularly women.

We know that today employment arrangements across the state of Victoria, and indeed throughout the rest of the country, are becoming more and more precarious by the day. Insecure work dominates the Victorian and Australian workforce today. Other speakers touched earlier on the logic, the rationale and the reasons for

long service leave and why it has been in existence. I will not go over that ground.

The goalposts in terms of employment have moved so much. I remember that as a union official back in 2000 I was asked to write a paper for the then union journal about what I saw as the millennium bug confronting the workforce. I do not know whether I just stumbled upon it or it was by good management, but I wrote a paper on casualisation and about how over the next 20 years what we would see in our country and in our state was the rise of casualisation and the impact that that would have, particularly on women but also on the family unit.

As we know, women more often than not shoulder the burden of care for our families. Even though we have modernised our leave arrangements through enterprise bargaining agreements throughout many different industries, we know that today women still lag behind in important areas of employment conditions and entitlements — things like superannuation, for example. Often when women go in and out of the workforce as their families grow and as they care for their families they end up slipping behind monetarily in superannuation. We know that women in particular suffer disadvantage in terms of wages — the wage inequality that exists in terms of the wages gap. We know that it is often much more difficult for women to compete equally on merit in terms of promotion because of those gaps that they have in their employment.

This is why I am so thrilled with the bill that is before us today, because I believe that significant aspects of this bill will seek to at least address one of the major shortcomings in entitlements and equality that exist in our workforce, and that is a lack of acknowledgement that when women take periods of leave from their workplace because they are dealing with and caring for their growing families they should not be penalised. In fact it should be seen as such a valuable contribution that they continue to make to our communities. A way that we can reflect the value of that contribution is by amending things — like this legislation before the house today is doing — to take account of the leave of absence and to ensure that it does not disadvantage women in terms of their length of employment and therefore their ability to access long service leave.

I will deal with perhaps a couple of things that have been identified by those opposite in their contributions. Firstly, I think Mr Ondarchie referred to the Victorian Farmers Federation and their opposition to employees being able to take leave one day at a time. I am advised that in fact it was industry that suggested that flexibility, so it was actually the employers in the consultation who

came to the table and suggested that that be a feature of the new bill.

We talked about clause 8, I think. I think we were on this bill; I am not quite sure. We seem to be jumping around a bit in terms of potential bills. I know that the words 'long service leave' will appear inevitably in the Long Service Benefits Portability Bill 2018, but I think Ms Symes was absolutely right. I think there was a bit of a mishmash of speeches that had been prepared for Mr Ondarchie, and the opposition seem to be at sixes and sevens. But nonetheless, we will attempt to address some of the things that he did talk about.

He talked about opposition to clause 8 and how clause 8 of the bill allows an employee to take leave in advance, and he asked what happens if the employee then leaves the job while owing money to the employer and how the employer can pursue this. It is an interesting question, isn't it, because you would think from the way that the opposition framed the contribution around that that this was a new phenomenon — that for the first time an employee was going to be on paid leave at the time that they severed their employment. Of course that is a nonsense; that is not the case. It happens again and again today. We know that leave in advance in particular, under the terms of this bill, must be agreed by the employer and that the employer can in providing that agreement impose conditions on the leave, provided of course that they do not seek to breach the commonwealth Fair Work Act 2009, so in my view there is no legitimate concern there.

We also heard a concern expressed about the averaging arrangements — that they might be complicated. Again, I do not believe that is the case. The current act includes arrangements for where a worker does not have fixed hours of work or where their hours of work have changed at least once in the 12 months prior. So again, these scenarios that are being thrown up as a reason to oppose the bill are not something that are new. They have been around for quite some time, and they have been dealt with adequately by the existing act for well over 20 years.

The opposition also suggested that the employer will not have much time to work out the entitlement, particularly if they must average the hours of work. Because of its nature, long service leave is usually taken by agreement between the parties. It is not as if the employee rings up one morning and says, 'Hey, look! I'm going to be on long service leave for the next three months'. There is a much more detailed conversation that sits around it. Most employers that I know have human resources (HR) policies which sit

alongside enterprise agreements and which talk about the arrangements for application for this sort of leave. Again there is that requirement for mutual agreement and convenience to both parties. As is set out in the bill, it is open to the employer to refuse the application based on reasonable grounds. Of course if the employee disputes those reasonable grounds, they can seek a review of the decision in various jurisdictions.

I want to talk about the record keeping. As if the record keeping of an employee's hours of work is suddenly a new imposition on an employer! I think that was the argument that was being advanced. There was also an argument that because this entitlement will be accessible after seven years — so it is not an increase; it is just accessible after seven years — suddenly there is some new administrative impost on the employer that is going to require them to, I do not know, perhaps employ a new army of HR clerks to ensure that they monitor an employee's hours of work. The reality is that they have to do that by law today. By law today you have to monitor your employee's hours of work and you have got to pay employees in accordance with the Workplace Relations Act 1996, so there is no new impost on this. What we are talking about is accessing the entitlement after seven years rather than 10 years. It is not increasing the entitlement at all. Any suggestion that suddenly we are going to have to keep a whole new set of books and that this is going to be a real head scratcher for employers is a bit of a myth.

The other positive from this particular change, particularly for employers, is that we know employers talk a lot about the leave liability that exists on their books. It is a significant issue and it is a real-life issue, particularly where employees are banking that leave and seeking to take that leave in a major wad. The flexibility that is provided for under this bill will enable those leave liabilities, by agreement between the employer and the employee, to be reduced through greater, modern and more flexible access to what is at the end of the day a paid entitlement.

In conclusion, I applaud this bill. I think it is one of those opportunities where a Parliament can make a real difference to the lives of working people but in particular working women, who we know suffer disadvantage every day they go to work in comparison to most men. They will be the big winners in this bill, as they should be. It will not surprise you that if I had it my way, it would probably go a bit further, but I do not, so in terms of the bill in its current form, I commend it to the house.

Mr MORRIS (Western Victoria) (18:20) — I rise to make my contribution to the Long Service Leave Bill 2017, and I note that there are a couple of bills with some similar names floating around at the moment. But indeed this particular bill seeks to repeal the current Long Service Leave Act 1992 and replace it with a new act and make various changes to current entitlements and operational provisions. The main provisions of this bill make a range of changes to the current long service leave arrangements, including counting all paid parental leave as service for the calculation of an employee's long service leave entitlement as well as counting up to 12 months of unpaid parental leave as service as well.

Further, the bill provides that any agreed period of unpaid parental leave greater than 12 months will not break continuity of service and allows employees to apply for long service leave after seven years of service rather than 10 years. It further goes on to allow employees to use long service leave to take leave at a minimum of one day at a time, rather than as a limited number of blocks, and bases the average hours of service on which long service leave is calculated as being the largest of the hours worked over the past 12 months, the past five years or the entire period of the employee's continuous employment. It further goes on to empower departmental officers to require the production of documents and materials in investigating complaints and also increases the penalties for non-compliance, converts civil penalties to criminal penalties and broadens the transmission of business provisions for the transfer of long service leave liabilities.

I note that long service leave has certainly been around for a little while now. I can fondly recall when my own father took some long service leave when I was in about year 9 or so. We went around Australia for some unknown reason in a Peugeot 505. We decided to drive up the centre of Australia and down the east coast. Just about every mechanic that marvelled at it in each town we pulled into, where it invariably broke down, questioned my father as to why he would travel in a Peugeot through the centre of Australia. He did not have a response, I think, that quelled the concerns of the many and varied mechanics that we encountered during that time.

For many people that is what long service leave is about. It is about an opportunity to go on an elongated trip with one's family, whether it is to go up the middle to see Uluru and head to Darwin and the like, whether it is an opportunity to get the house renovated or whether it is an opportunity to go on a European trip or a trip to the United States or something like that. This is what many people use their long service leave to do.

Long service leave does have some qualities that enable people to fulfil dreams that they may have, but it is also important to get that balance right with long service leave and not unfairly and unduly burden those who are employing people, because to do so would only see that fewer people are employed and therefore fewer people have that opportunity of the dignity of work. It is an incredibly important point to get the balancing act right between those competing interests.

I am pleased to be able to report that there have been a variety of consultations done with the likes of the Australian Industry Group, the Victorian Farmers Federation, the Independent Contractors of Australia, the Australian Retailers Association, the Victorian Hospitals Industrial Association and also the Victorian Trades Hall Council as well. Some of those who were consulted did have concerns. Among those concerns was that the change to the way in which average hours of service is calculated will for the first time require employers to use records of hours worked dating back over the entire period of an employee's employment. Previously it was only records of hours worked over the most recent five years of employment that were needed for relevant calculations. A further burden in accessing records, and whether those records exist and the like, may prevent a challenge.

I note that the Victorian Chamber of Commerce and Industry oppose the retroactive operation of this change and have stated it clearly in a media release of 18 August last year, because they are concerned that at present employers will not necessarily have hours worked records dating back more than the required seven years. The Victorian Farmers Federation (VFF) also oppose this provision due to retrospectivity and complexity. Others dispute the retrospectivity on the basis that at least some records already need to be kept of an employee's entire period of employment. I certainly understand the views of others in this house that these are important changes, but it is also important to get that balance right.

Further, the VFF have gone on and raised concern about the provision for an employee to take long service leave in advance of seven years service, but this does appear to be discretionary for the employer. They are concerned about the high penalties if an accrued long service leave entitlement is not paid out to an employee on the exact day the employee ceases employment, but similar high penalties are in the existing act. We also see that there may be the want for a shorter period than 104 weeks of other leave before continuous employment is broken for casual workers. However, the granting of leave longer than 12 months is usually discretionary for the employer. There is also

opposition to up to 52 weeks of unpaid leave being counted as employment. Further, apart from parental leave, most leave is discretionary for employers. There is opposition to the requirement that an employer must have reasonable business grounds to refuse a long service leave request from an employee. However, an employer still has the power to direct an employee to take long service leave on giving 12 weeks notice. There was also some opposition from those consulted about the increased penalties in the bill.

As I have stated, what we need to get done here is that balancing act between those competing interests of the rights of the worker and the importance of not unduly burdening those who employ people with difficult and onerous requirements surrounding something like long service leave, which I think most, if not all, in this house would agree is a part of the working lives of many Victorians and is something they can enjoy and look forward to enjoying after a long period of service. I note others have made the point in this house that that is long service in a particular career.

When I say 'long service', I mean that a long period of continuous employment with a particular employer is something that is less common than it was in the past. Where in years gone by people were employed by one employer for the entirety of their working life, that appears to be certainly very much on the decline. That is not the norm anymore; people generally have many, many employers over their careers. I am assuming that most people in this house would not mind having the same employer for a continued period of time, because if they did not it would mean they would no longer be a member of Parliament.

That being the case, it is important to get that balance right. I certainly concur with many of the statements that Mr Ondarchie very rightly made during his contribution. I assume that we are going to be stepping into a committee stage of this bill and look forward to some of the clarifications about particular clauses at that point. Acting President, at this point I thank you and cease my contribution.

Business interrupted pursuant to sessional orders.

Sitting extended pursuant to standing orders.

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

The ACTING PRESIDENT (Mr Ramsay) — I am of the opinion that the third reading of this bill requires to be passed by an absolute majority. I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

The PRESIDENT — The Acting President has handled this bill to the point where we now need an absolute majority to confirm its passage, so I ask members who are in support of the bill to stand in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

ADJOURNMENT

Mr JENNINGS (Special Minister of State) — I move:

That the house do now adjourn.

Grahamvale Primary School

Ms LOVELL (Northern Victoria) (18:37) — My adjournment matter is for the Minister for Education, and it is in regard to the need to expand the site of Grahamvale Primary School in Greater Shepparton. The action that I seek from the minister is for the minister to secure additional land to expand the site of Grahamvale Primary School to establish play areas at the school, either through direct acquisition by the Department of Education and Training or by working with Greater Shepparton City Council to secure additional land adjoining the school through the allocation of public open space that would be available for community use outside of school hours.

Grahamvale Primary School is a picturesque primary school surrounded by fruit orchards situated on the outskirts of Shepparton. It started as a very small school, but Grahamvale has become very popular and has a current enrolment of 394 students, which will increase to 400 in both 2019 and 2020. As it has grown, Grahamvale Primary School has suffered through the lack of infrastructure to cope with enrolment increases, as well as a lack of site space. An infrastructure redevelopment of the school which was opened in 2010, which I think was from their Building the Education Revolution money, completely filled the

school site space, leaving little room for the students to play. Grahamvale Primary School is also completely landlocked by surrounding orchards to the north, south and west of the school site.

Because the school grounds are such a crowded place, student safety is a major concern for the staff. Students are restricted in the games they can play, and the situation has escalated as their games interfere with others around them. Recently I was at the school at playtime with the Liberal Party candidate for Shepparton, Cheryl Hammer, and there were several games of soccer going on on the one soccer pitch that they have. There were many students playing in the covered area. There is nowhere to kick a football. The school grounds are really a very crowded place. Many of the students are disadvantaged because of this. They cannot play cricket or football, the soccer teams cannot practice after school and the athletics carnival has to be held off site.

The Victorian Planning Authority and Greater Shepparton City Council have prepared the *Shepparton North East Precinct Structure Plan*, which incorporates the land surrounding Grahamvale Primary School. There is going to be a new housing development that goes into the area, and the precinct will support around 1500 new homes and approximately 4000 residents, attracting even more potential students in the future. This plan is the minister's opportunity to acquire additional land to increase the site of Grahamvale Primary School so it can meet the educational needs of its students now and into the future.

The action that I seek from the minister is for the minister to secure additional land to expand the site of Grahamvale Primary School to establish play areas at the school, either through direct acquisition by the department of education or by working with the City of Greater Shepparton to secure additional land adjoining the school through the allocation of public open space that would be available for community use outside school hours.

Gippsland public transport

Ms SHING (Eastern Victoria) (18:40) — The matter which I wish to raise this evening is for the attention of the Minister for Public Transport in the other place, Ms Allan, and it relates to the rail upgrades which are currently taking place along the Gippsland line and also on the Pakenham line to Melbourne. Level crossings have been removed, signalling is now being replaced and tracks are not just being replaced but duplicated along large sections of the line from Pakenham out to Traralgon. With seven level crossings

being upgraded from passive to active, and with these incremental improvements, it means that we can increase the number of carriages and the number of services and types of trains out to Bairnsdale, including the VLocity train, which recently made a trial trip with a six-car set travelling out to Bairnsdale since the line was closed.

During a number of these construction works and disruptions there have been challenges for Gippsland commuters, who have been disadvantaged in relation to the bus replacement services which are taking them into the city, as well as the times now being taken to make their daily commute from areas within the Latrobe Valley, further east and also back to Warragul and then down to the city.

The action that I put to the minister tonight is that she give active consideration to working to create bus lanes along sections of the Monash Freeway, inbound and outbound, during peak periods in order to expedite the travel being taken by people on bus replacement services from Gippsland while works are underway and also that she give active consideration to any means by which the disadvantage being occasioned by these changes can be recognised and offset for commuters who live on the Gippsland line and are facing longer travel times while these works go on into the future. I would like to add the caveat, however, that there will be parts of the network that are being upgraded as part of the ordinary course of events that do not constitute extraordinary disruption, and in this regard I would seek the minister's consideration of the distinguishing features between extraordinary disruption and disruption that causes an ordinary and reasonably expected set of circumstances around delay.

Ballarat Base Hospital

Mr MORRIS (Western Victoria) (18:43) — My adjournment matter is for the attention of the Minister for Health, and it relates to the announcement made last week about funding for the redevelopment of the Ballarat Base Hospital. Despite the redevelopment of the hospital being announced with much fanfare, the budget papers, once they were actually revealed, detailed that it is only beyond the forward estimates, so beyond 2022, that we actually find the majority of the funding associated with the redevelopment of the hospital. Just \$7.44 million of the \$46.16 million of the redevelopment is due to be spent before the end of the 2021–22 financial year. So what we are seeing is that only 16.12 per cent of this funding will be spent prior to mid-2022, meaning that the vast majority, nearly 85 per cent, of the funding will only be available between 2022 and 2026, which means that by my calculations

children who are not born yet are going to be in grade 3 before this money is spent, so it is a little while down the track.

Ms Wooldridge and I have been calling upon the Labor government to outfit the ghost wing of the Ballarat Base Hospital, which was funded and built by the former coalition government — very ably funded by Mr Davis as the then health minister. The concern that I have is that it has sat empty and dormant, almost like something out of *Yes Minister* —

Mr Davis — The hospital in the Midlands.

Mr MORRIS — Yes, indeed, the hospital in the Midlands that did not have any patients. It was terribly efficient. So it is almost beyond belief that funding has not been expedited despite the increases in our elective surgery waiting lists, which I hear about constantly when I am talking to people in the community. I hear the concerns that they have about the increases in the elective surgery waiting list and that people are not getting their surgery quickly enough. I have called upon the minister to do this in the past, but the action that I seek is that the minister expedite the funding that has been allocated for the Ballarat Base Hospital expansion and redevelopment and have it brought forward in the budget so that the people of Ballarat can get the health care that they deserve and desperately need much sooner than mid-2026.

North-east link

Ms DUNN (Eastern Metropolitan) (18:46) — My adjournment matter is for the Minister for Roads and Road Safety. When it was costed by Infrastructure Victoria as part of its 30-year infrastructure strategy, the north-east link toll road was expected to cost \$5 billion. The latest estimate is that it will cost \$16.5 billion. There are therefore serious concerns that the benefit-cost ratio of this mega-project will be exceptionally poor, such that it will only return a few tens of cents in economic benefits for each dollar invested. The action I seek is that the Minister for Roads and Road Safety heed the requests of local community and environment groups in my electorate to release the business case and all associated modelling for the north-east link toll road, unredacted and in full.

Presidents Avenue–Orton Street, Ocean Grove

Mr RAMSAY (Western Victoria) (18:46) — My adjournment matter is for the Honourable Luke Donnellan, the Minister for Roads and Road Safety, and it is in relation to a matter that was brought to my attention by Ms Kelli Finlayson in relation to a very

dangerous intersection in Ocean Grove. In fact it is an intersection which Ms Crozier would know very well: Presidents Avenue and Orton Street. Anyone that lives in Ocean Grove or uses that intersection regularly would know that if you come from the shopping centre and drive up the hill there is a blind spot on your right where traffic coming from Barwon Heads crosses through Orton Street.

On Saturday morning I went with the Liberal candidate for the Assembly seat of Bellarine, Brian McKitterick, and local residents to look at this intersection. There is no doubt in my mind that there is a significant blind spot at that intersection. I would like to thank Kelli, who has been a strong advocate in raising this issue in the media for the attention of the minister but who unfortunately is not getting much of a response — ditto from the local member for Bellarine, Lisa Neville. What made it more personal on Saturday was the fact that Clare Peace was there — the mother of Tyler Peace, who tragically was severely injured in a collision at that particular intersection a week and a half ago. He was on a motorcycle about to do a right-hand turn into Orton Street from Presidents Avenue and got sideswiped by a car. Accidents happen on an ongoing basis, but I am happy to report that Tyler is recovering in rehabilitation at the local hospital and hopefully will return to living a normal life.

The important thing that the minister needs to do, and the action I am seeking from him tonight, is to get VicRoads to fix this intersection and provide the safety improvements that are required. The City of Greater Geelong have already done an urban development plan that identifies the need for traffic lights at this intersection. In this case I am not being prescriptive about traffic lights, but I am suggesting that the minister direct VicRoads to do what is needed to make this intersection safe. It may well be traffic lights; it may be a roundabout or something else. VicRoads keep using an excuse that they are negotiating with the holder of some land that may have some connection to this particular intersection, but I do not believe it. I believe that is just a furphy.

The Honourable Luke Donnellan needs to direct VicRoads as of tonight to get them to start work on improvements to make this deadly intersection safe. In fact the *Geelong Advertiser* splashed across one of its front pages, 'Fix this death trap', and that is certainly what the residents were expressing to Brian McKitterick and me on Saturday. That is the immediate action I seek from the minister — to make that intersection safe.

Youth justice system

Ms SPRINGLE (South Eastern Metropolitan) (18:50) — My adjournment matter is for the Minister for Families and Children. In 2013 the Victorian Ombudsman reported on an investigation into children transferred from the youth justice system to the adult prison system. This report included the following recommendation:

That the Minister for Community Services consider amending the Children, Youth and Families Act 2005 to remove the option to transfer children to the adult prison system once additional accommodation becomes available at the Malmsbury Youth Justice Centre.

At that time the Department of Human Services responded that it wanted to ‘retain legislative flexibility’, stating that:

Until the additional capacity through the expansion at Malmsbury comes online in late 2015, it may be necessary to make an application to the Youth Parole Board to transfer a young person were there to be an extreme incident that compromises the safety of young people and staff.

It is now five years since the Ombudsman made that recommendation and high time it was revisited. In 2017 a legal precedent was set when Justice John Dixon found the transfer and detention of children to the Grevillea facility within Barwon Prison to be unlawful and incompatible with human rights under sections 17 and 22(1) of the charter. Justice Dixon found that:

... the limitations imposed on the human rights of the detainees were not demonstrably justified in a substantive sense as reasonable in a free and democratic society based on human dignity, equality and freedom.

Minister, the action I am seeking is that the government takes action to remove the option to transfer children to the adult prison system in line with the Ombudsman’s recommendation and upholding the human rights of child detainees.

Bulla bypass

Mr FINN (Western Metropolitan) (18:52) — I wish to raise a matter this evening for the attention of the Minister for Roads and Road Safety. This morning we again saw a crash on Bulla hill. This caused no end of mayhem throughout Sunbury, Bulla and surrounds. In fact the Calder Freeway was blocked for many, many kilometres as a result of traffic exiting Sunbury Road, going cross-country and entering the Calder Freeway from the Bulla-Diggers Rest Road. It was mayhem in the making. It illustrates the problem we have where just one accident can create major problems for commuters and other travellers from Sunbury, and it illustrates the need for the Bulla bypass. I can

remember campaigning for the Assembly seat of Tullamarine back in 1991, which was a fair while ago —

Mr Morris interjected.

Mr FINN — It was a good win. I recall that one of the very big issues at that time was the need for a Bulla bypass. Here we are 27 years later, and we are still talking about the need for the Bulla bypass. I have raised this matter with the minister on a number of occasions in the past. He has informed me that apparently this is with the Minister for Planning. Why it would be with the planning minister, I am not entirely sure, but whoever it is with, we need to get this sorted out. We cannot allow the situation to continue where thousands of cars a day travel across a bridge which is one lane each way, a bridge which was built about 150 years ago for horse and cart travel, not for modern vehicles and certainly not for the trucks that we have been absolutely inundated with on Sunbury Road of recent times.

We really need this Bulla bypass, and we have needed it now for 30-odd years and possibly even longer. I ask the minister to take this on board as a matter of urgency. This is something that, as I said, we have been talking about for a very, very long time. It is time for the talk to stop; it is time for the action to start. I am very hopeful that if this minister does not give the Bulla bypass the go-ahead, the next minister will next year, and we will be able to get this project up and running, which will make the commute down Sunbury Road not just safer but also so much faster for those who are travelling to the Tullamarine Freeway.

Federation Training

Ms BATH (Eastern Victoria) (18:55) — My adjournment matter this evening is for the Minister for Training and Skills, the Honourable Gayle Tierney, and the action I seek from the minister is that she provide clarity by explaining in writing how she intends to meet the needs of students in Yallourn, Newborough and Moe in terms of Federation Training.

In recent times the minister has been highly distracted with the ongoing disasters in the correctional system and has not provided clarity for TAFE students in Central Gippsland. After three years of intense community lobbying for a campus in the Sale area, the minister, on the eve of the election, stumped up the money for funding in this budget. I commend the member for Gippsland South in the Assembly, Danny O’Brien, and the shadow minister for training, skills and apprenticeships, Steph Ryan, for their ongoing

commitment, which was made back in August last year, to fund a new campus in Sale and also in terms of lobbying for an upgrade to the Morwell campus.

These recent Federation Training announcements have been met with caution by the community, who wish to learn the fate of the Yallourn campus. The Yallourn campus offers courses ranging from introduction to welding through to obtaining a licence to operate a forklift. It focuses on preapprenticeship and apprenticeship training and the skills that are often needed in our local area in Central Gippsland.

Further consideration also needs to be given to a broader perspective on how students access this campus via the bus service, and I know the bus service has been axed. Now, that is not in the minister's purview, but it also has repercussions for students trying to access good education in this region. Gippsland's young people need to know what the minister's plan is for the direction and future of Federation Training and why she is being so cagey about Federation Training in Central Gippsland. The community needs transparency, not speculation. The minister must come clean on her plans for the long-term future of Federation Training's Yallourn campus, and I ask her to explain in writing her intentions in this area.

Tarneit rail services

Mr DAVIS (Southern Metropolitan) (18:57) — My matter for the adjournment tonight is for the attention of the Minister for Public Transport in the other place, and it relates to correspondence I have received concerning timetabling changes for the regional rail line. In particular, the principal of Thomas Carr College in Tarneit, Dr Andrew Watson, has communicated with a number of people, including indirectly with me, concerning changes to the timetabling that have seen the Warrnambool service no longer stopping at Tarneit station. I hasten to add that the opposition is very happy to see more services from time to time and to see timetabling adjusted to get better outcomes. But equally, on occasions there are unintended consequences of certain changes, and this appears to be one such case.

The service, when departing from Tarneit, left at approximately 7.37 a.m., which meant students were able to travel directly from Tarneit to the country campus near Colac without having to change trains. Students of the college had reserved seating, which enabled them to have appropriate supervision during the trip. After spending a week at their country campus, students would depart Colac at 1.19 p.m. on Friday and get off the train at Tarneit station. However, the

changes in timetabling have meant the trains no longer stop at Tarneit. This means students must now add in extra time for changing trains at Geelong.

The principal makes the point that there are consequences to this. Students now travel on an overcrowded Geelong-bound Sprinter train, with limited space to store luggage and no reserved seating, and the possibility of students having to sit across three or four carriages makes supervision a great deal more difficult. Students have to change platforms in Geelong, carrying their luggage. There is only limited time to do this. It means students will have to be marked off a class roll to ensure they are transferred safely. There are consequences of missing either the Geelong or Warrnambool service if there is a delay on either line, such as being late for school or not arriving home in a reasonable time.

The college is seeking that this unintended consequence of timetabling changes be addressed by seeing some services reinstated that would have that direct access. The college, I understand, spends about \$3000 per year transporting students, but this would go up to about \$30 000 per year if the college was required to undertake the hiring of a bus to achieve that. I understand my colleague Richard Riordan, the member for Polwarth in the Assembly, has also been advocating on behalf of the college, and I pay tribute to his work there, as has Glenn Goodfellow, our candidate in Tarneit. He is a strong advocate for the college. What I seek from the minister is that she review these changes and seek to remove any unintended consequences, particularly for the students of Thomas Carr College in Tarneit.

Privacy and data protection

Ms CROZIER (Southern Metropolitan) (19:00) — My adjournment matter this evening is for the Minister for Housing, Disability and Ageing, and it relates to a very serious breach of privacy of a public tenant's details. The minister is aware of this particular issue because he has had numerous bits of correspondence not only from the tenant himself but also from my office. The office that it relates to is the Fitzroy housing office, and the breach of privacy of the affected tenant was confirmed by Victoria Police on 18 September last year. The tenant who contacted me made a complaint to the Fitzroy housing office about regular and open drug use occurring over a four-month period in common areas. This was undertaken by another tenant. The tenant who contacted me was most concerned that his details and signature had been passed on to the tenant who was conducting this illegal activity.

From there, the tenant who contacted me went and complained. He wrote to the minister, to the Department of Health and Human Services (DHHS) secretary and to the DHHS complaints, integrity and privacy unit, but to this day no-one has been in touch with him about his concerns, so he is incredibly disappointed by the actions of all those involved in this matter. As I said, I contacted the minister. The minister wrote back to me on 24 March confirming that this particular tenant should go back to the office and make his complaint again.

As you can tell, I think this is absolutely ridiculous. This tenant has been really mucked around in relation to his very serious concerns about this breach of privacy and his details being passed on to the other tenant. I question the fact that the minister seriously expects the affected tenant to communicate with the very same office that is directly breaching his details. The extent of concern is quite serious in relation to that breach of privacy, so the action I seek is for the minister to call for an immediate investigation into this very serious matter and that it be undertaken immediately so we can get a resolution on this issue. If there were any breaches of privacy, then he needs to undertake further actions, including providing an apology and also putting systems in place to ensure that it never happens again.

Freedom of information

Ms FITZHERBERT (Southern Metropolitan) (19:03) — My adjournment matter is for the Special Minister of State, and it is in relation to his role as having oversight for integrity. It relates to freedom of information, which is an issue that I have raised previously, but this is quite a different set of circumstances. Some months ago I decided to see whether the rumours were true, so I FOIed the Department of Health and Human Services in relation to waiting lists for colonoscopy procedures in public hospitals. The response I received was that the department does not keep that data. As a consequence, I then made FOI applications to a number of hospitals after quite a deal of thought as to whether this was appropriate. I received a range of responses quite promptly which confirmed that there have been increases in wait times. Some people are waiting for incredibly long and inappropriate periods of time. When this was exposed the government decided to put some \$12 million into it, for which I will take credit because if I had not exposed it I do not believe they would have even known about it, let alone done something about it.

However, in the midst of all of this I was very surprised to receive a phone call to my office from a staff member from a small regional health service who said that they had had a letter from the Department of Health and Human Services to say that I might be seeking information from them through freedom of information and some other comment regarding what might happen in that eventuality. I had not had any contact with this hospital, which I will not name, nor will I name the person who rang my office, so I wrote to the secretary of the department and politely asked whether I could have a copy of the letter and if I could be told which organisations it had been sent to. I did not receive a letter back from the secretary. I received a letter from an FOI manager, who again I will not name, telling me in response to my letter to the secretary how to go about making an FOI application. I think that is quite a shabby response in the circumstances.

I have, however, made an FOI application in relation to the circumstances I outlined earlier in this adjournment matter and also seeking further information about communication that the department may have had about me. Bearing in mind that I only knew about this communication — which has gone out to I do not know how many organisations, nor do I know the detail of what it said — because a very efficient and conscientious FOI person got in touch with my office to see if they were going to be receiving this kind of application, I think this is really questionable behaviour. I think the response that has been made to my raising it has been inappropriate as well, so the action that I am seeking from the Special Minister of State is an explanation as to whether and how all of this is appropriate activity by departmental officers in relation to me and the performance of my role as an opposition MP.

Responses

Ms MIKAKOS (Minister for Families and Children) (19:06) — This evening I have received the following adjournment matters that will be referred to the relevant ministers for response: from Ms Lovell to the Minister for Education; from Ms Shing to the Minister for Public Transport; from Mr Morris to the Minister for Health; from Ms Dunn to the Minister for Roads and Road Safety; from Mr Ramsay to the Minister for Roads and Road Safety; from Mr Finn to the Minister for Roads and Road Safety; from Ms Bath to the Minister for Training and Skills; from Mr Davis to the Minister for Public Transport; from Ms Crozier to the Minister for Housing, Disability and Ageing; and from Ms Fitzherbert to the Special Minister of State. All those matters will be, as I said, referred to the relevant ministers for response.

Before responding to Ms Springle's matter, I am seeking your guidance, President, in relation to Mr Morris's matter. I did note that through the course of his contribution he referred to the fact that he had previously raised the same matter —

Honourable members interjecting.

Ms MIKAKOS — He did. The language that he used, and I am paraphrasing here, was 'having raised the matter previously'. I am mindful of the standing orders in terms of the restrictions on raising the same matter within a six-month period, so I am seeking your guidance in relation to that particular issue.

The PRESIDENT — Mr Morris, could you advise me as to what the previous matter was.

Mr Morris — I previously sought funding for the operating theatres. Now it appears the theatres have been funded by the government, so I have requested that the minister bring forward the expenditure to see that those operating theatres are fitted out more expeditiously than is listed in the budget.

The PRESIDENT — It is probably close enough to being okay. It is in some ways a lineball, but I will allow it to stand.

Ms MIKAKOS — I propose to discharge Ms Springle's matter. Ms Springle, in her adjournment matter, referred to a 2013 Ombudsman's report in relation to transfers of young people from the youth justice system to the adult prison system. That particular report came about as a result of reports to the Ombudsman about a 16-year-old Aboriginal boy who had been transferred to Port Phillip Prison. As I recall, he had in fact been placed in solitary confinement for his safety for a number of months. I recall that at the time there had been some concerns expressed in relation to those particular matters.

The Ombudsman in her report in 2013 did canvass the specifics of this particular matter and looked at the issue more broadly in terms of the number of transfers, and she did refer to the number of transfers that had occurred over a number of years. I do make the point to the member that there are longstanding provisions contained within the Children, Youth and Families Act 2005 that enable a young person who is aged 16 years or over and who is in youth justice custody to be transferred to adult prison.

The Ombudsman's report made a number of recommendations, one of which was that the Minister for Community Services consider amending the Children, Youth and Families Act to remove the option

to transfer children to the adult prison system once additional accommodation became available at the Malmsbury Youth Justice Centre. I can advise the member that I did consider this matter and this specific recommendation, and I did give due consideration to the recommendations in that Ombudsman's report. However, given the complexity and violent nature of some young people in custody, I decided to retain the ability for young people to be transferred to adult custody for the safety and wellbeing of staff and young people.

I do make the point to the member that such decisions are at the sole discretion of the independent Youth Parole Board, and that remains the case. As is legislated for under the act, the Secretary of the Department of Justice and Regulation can apply for a young person aged 16 years or over who has been sentenced to a youth justice centre to be transferred to adult prison to serve the remainder of their sentence, and the Youth Parole Board must take into account a number of considerations in making this decision, including the age and maturity of the young person and their behaviour while in custody. They must be satisfied that the young person's behaviour is a threat to the security of the centre and that the young person's behaviour cannot be safely controlled in a youth justice centre. These applications are not taken lightly by my department. They are made to ensure the safety of staff and all young people in youth justice. There is obviously very close cooperation between youth justice and Corrections Victoria in relation to ensuring that a young person who is transferred to adult custody is able to receive the care and support they need while they are in that custodial environment.

I did note that the member in her contribution did conflate this issue with what occurred in GreVILLE, and I absolutely reject the connection there. That was a very unique set of circumstances that arose at that time, and we have canvassed those issues at some length in the chamber on previous occasions. These matters are very different in that they arise by virtue of specific provisions under the act, and the number of transfers is in fact published every year in the Youth Parole Board annual report, so there is a level of transparency about them.

I can also advise the house that I have received written responses to four adjournment debate matters.

The PRESIDENT — On that basis, the house stands adjourned.

House adjourned 7.14 p.m.